International Labour Conference
86th Session 1998

Report VI (2)

Child labour

International Labour Office Geneva

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INTRODUCTION

The Governing Body of the International Labour Office, at its 265th Session in March 1996, decided to place the question of child labour on the agenda of the 86th Session (1998) of the International Labour Conference.

The question will be dealt with by the double discussion procedure. In accordance with Article 39 of the Standing Orders of the Conference, which deals with the preliminary stages of the double discussion procedure, the Office drew up a preliminary report, [1] intended to serve as the basis for the first discussion of this question. After briefly summarizing the background to the Governing Body's decision, the report examines the law and practice on the subject in various countries. This report, accompanied by a questionnaire, was sent to the governments of the member States of the ILO, which were invited to reply to the questionnaire and send their replies to the Office no later than 30 June 1997.

At the time of drawing up this report, the Office had received replies from the governments of the following 108 member States: [2] Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, [3] Belgium, Benin, Brazil, Bulgaria, [4] Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, [5] Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, [6] Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, [7] Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, [8] Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, [9] Yemen, Zimbabwe.

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[1] ILO: *Child labour: Targeting the intolerable*, Report VI (1), International Labour Conference, 86th Session, Geneva, 1998.

[2] Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

[3] The reply from the Government of Belarus consisted of observations from the Ministry of Labour, the Ministry of Social Protection, the Ministry of Education, and the Committee on Youth Affairs.

[4] The reply from the Government of Bulgaria consisted of observations by the Ministry of Labour and Social Policy and the Committee for Youth and Children of the Council of Ministers.

[5] The reply from the Government of Colombia consisted of observations by the Ministry of Labour and Social Security and its Technical Labour Department (DTT).

[6] The Government of El Salvador sent a reply from the Child Protection Institute of El Salvador.

[7] The Government of Ghana sent a reply from the Ghana National Commission on Children (GNCC).

[8] To some questions, the Office of the Labour Commissioner gave replies which differed from those of the Ministry of Labour; these are noted.

[9] The reply from the Government of Venezuela consisted of observations by the Ministry of Education, the Ministry of the Family, and the National Independent Family and Child Welfare Service.

The attention of governments was drawn to article 39, paragraph 1, of the Standing Orders of the Conference, in which they are requested "to consult the most representative organizations of employers and workers before finalizing their replies". Governments were asked to indicate which organizations had been so consulted.

The governments of the following member States reported that the employers' or workers' organizations had been consulted or involved in the drafting of the replies: Algeria, Australia, Austria, Bahrain, Bangladesh, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, China, Colombia, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Egypt, Eritrea, Estonia, Fiji, Finland, Gabon, Ghana, Guyana, Haiti, Hungary, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Republic of Korea, Latvia, Lithuania, Luxembourg, Malaysia, Mongolia, Namibia, Netherlands, Nicaragua, Norway, Pakistan, Peru, Poland, Portugal, Romania, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, United Republic of Tanzania, Ukraine, Uruguay, Zimbabwe.

The governments of the following member States included in their replies the opinions of employers or workers' organizations: Denmark, Finland, Hungary, Jamaica, Kenya, Republic of Korea, Malaysia, Norway, Portugal, San Marino, Slovenia, Ukraine.

The governments of the following member States sent separately the replies from employers' or workers' organizations, and in some instances these replies were received directly at the Office: Algeria, Armenia, Australia, Austria, Belarus, Belgium, [10] Benin, Brazil, Canada, Cape Verde, China, Colombia, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Fiji, Finland, France, Gabon, Germany, Guatemala, Honduras, Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Lithuania, Mauritius, Mongolia, Namibia, Netherlands, New Zealand, Oman, Poland, Portugal, Romania, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Turkey, United Kingdom, United States, Uruguay, Venezuela, Yemen.

In accordance with article 39, paragraph 1, of the Standing Orders of the Conference, the replies from the most representative employers' or workers' organizations, are reproduced or mentioned in this report.

The United Nations Committee on the Rights of the Child formulated comments on the questionnaire during its fourteenth session. These are summarized under the "General observations".

If the Conference decides that it is advisable to adopt one or more international instruments, the Office will draw up, on the basis of the conclusions adopted by the Conference, one or more draft instruments to be submitted to governments. It will then be for the Conference to make a final decision on the subject at a future session.

This report has been drawn up on the basis of the replies received, the substance of which is given in the following pages. [11] Brief commentaries identify the major issues for consideration by the Conference. The Proposed Conclusions appear at the end of the report.

[10] The Government of Belgium sent, with its reply, an opinion from the National Labour Council (CNT).

[11] To meet the wishes of the Conference, the replies have been presented as concisely as possible.

SUMMARY OF REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the general observations made by governments and of their replies to the questionnaire, as well as of replies received from employers' and workers' organizations.

After examining the general observations, each question is reproduced and followed by a list indicating the governments that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). Where a government submitted observations qualifying or explaining its reply, and where observations have been received from employers' or workers' organizations, the substance of each observation is given, in alphabetical order of countries, after the above-mentioned list. Observations that are the equivalent of a simple affirmative or negative reply are not reproduced unless they are replies of workers' or employers' organizations which differ from the replies of their respective governments. Where a government deals with several questions in one reply, the substance of its reply is given under one of these questions.

Some governments gave information on their national law and practice. This information, while most useful for the work of the Office, has not been reproduced unless it is essential to an understanding of the relevant reply.

The summary of the observations on each question is followed by a brief Office commentary referring to the relevant Point (or Points) of the Proposed Conclusions at the end of this report.

General observations

Australia. New instruments should not be overly prescriptive and should be sufficiently flexible to avoid the difficulties of the Minimum Age Convention, 1973 (No. 138).

Belgium. The ILO has already adopted many Conventions on the minimum age of employment. The new instruments should therefore set out either to: improve the working conditions of children who are obliged to work although they are below the age prescribed in the existing Conventions, because their countries have not ratified these Conventions; make the provisions on minimum age for admission to work more flexible, since existing standards are relatively strict and difficult to ratify by developing countries; or combat the most extreme and intolerable forms of child labour (e.g. slavery, prostitution, debt bondage). The Government feels that priority should be given to the latter objective. A number of aspects included in the questionnaire, however, relate to activities that do not constitute labour in the ordinary meaning of ILO instruments. These could be better conceived in an instrument aimed at combating all forms of child exploitation.

National Labour Council (CNT): Convention No. 138 is a fundamental Convention and a key instrument for drafting a coherent strategy to combat child labour. However, a number of member States consider that it is too complex and difficult to implement in detail, which makes its ratification problematic. The objective of the new Convention should therefore be to reinforce Convention No. 138, without undermining its provisions, and to tackle the most

intolerable forms of child labour. There should be a balance between the respective content of the Convention and Recommendation. To ensure widespread ratification of the Convention, it should concentrate on fundamental principles.

Canada. New international instruments on the most intolerable forms of child labour would send a strong and clear message that these types of child labour are unacceptable worldwide. To be truly effective, meaningful and widely ratified, the new instrument(s) should be simple, focused and sufficiently general. It should complement other ILO instruments, in particular the Minimum Age Convention (No. 138) and its accompanying Recommendation, No. 146, and be consistent with relevant United Nations instruments; however, it should not duplicate the provisions of these instruments or their implications for practical action — particularly technical assistance programmes. References to the elimination of child labour in general should be limited and focus on the immediate suppression of the most intolerable forms of child labour. More flexibility is needed under Questions 7 (c) and 14 to allow national authorities to determine what constitutes dangerous work for different age groups of children under 18.

Cape Verde. Cape Verde Confederation of Free Trade Unions (CCSL): Child labour has recently become a topic of considerable controversy and widespread discussion at national and international level. Two fundamental and separate aspects need to be addressed: child labour, defined as any physical or intellectual effort made by a minor with the objective of producing goods and services in exchange for specified remuneration; and crimes against children, in which the physical or intellectual effort made by a minor does not have the objective of producing goods or services. Examples of such crimes are child prostitution organized as "work", and drug trafficking where minors are used to dodge the judicial system since crimes cannot be imputed to minors. The proposed instruments attempt to protect universal legal and moral principles. As Conventions are not binding until Members ratify them and incorporate them into national law, the ILO should strongly promote Government awareness of child labour; a relatively short deadline should be set for member States to ratify the Convention and adapt their national legislation; and supervisory mechanisms or institutions should be given sufficient power to ensure application of the Convention.

Denmark. As shown in *Child labour: Targeting the intolerable*, there is a need for international action on the most hazardous and extreme forms of child labour. Denmark thus supports a new initiative from the ILO on the elimination of child labour.

Danish Employers' Confederation (DA): The provisions of the Convention/Recommendation should be made more specific to take into account the age of the person and the nature of employment, so that light work is not totally excluded and relevant work in connection with education and training programmes would still be possible.

France. The elimination of child labour — especially child labour involving the very young and in extreme forms — is not only a humanitarian issue and one which relates to fundamental social rights, particularly the rights of the child, but also an economic one within the framework of the social dimension of international trade. However, it would be regrettable if the debate on new instruments became bogged down on details about children in highly developed countries who work for pocket money or are employed as models or entertainers, while in some countries they are treated as slaves, work in arduous and dangerous work or are delivered into prostitution. Discussions on the new instruments should therefore concentrate on fundamental issues.

Ireland. Irish Congress of Trade Unions (ICTU): The suppression of extreme forms of child labour should be part of a comprehensive effort to eliminate all forms of child labour.

Italy. The problem of child labour is a key issue in the debate on the social dimension of the globalization of the economy and the link between basic social rights and international trade. Globalization could lead to an increase in the exploitation of children. The problem could be dealt with by linking the rules governing international trade and the principles for protecting basic human rights. Action should be taken through international bodies, so that

world growth and development contribute to the strengthening of basic social rights. While most existing Conventions address one aspect of child labour, such as minimum age, no ILO Convention addresses child labour as a whole. The new Convention should be ratified by all countries, irrespective of their level of development. Its objective should be the immediate elimination of the most intolerable forms of child labour.

Japan. It is an opportune time for the ILO to adopt international instruments aimed at the immediate suppression of extreme forms of child labour, which should facilitate national attempts to eliminate child labour and make the commitment to technical assistance by international organizations, such as the ILO, more effective. To ensure the effectiveness of its actions, the ILO must coordinate with other international organizations, so that unnecessary burdens are not placed on each Member. The new instruments should emphasize the fields in which the ILO might use its expertise; focus on fundamental minimum standards to make their application easier; and be drafted in a flexible way. The elimination of child labour is one of the world's most important tasks.

Japanese Trade Union Confederation (JTUC-RENGO): Because child labour is the most serious labour problem in the world, the ILO should adopt new international instruments to suppress intolerable forms of child labour immediately. These instruments should be extensively adopted and effectively applied. The ratification of existing child labour Conventions also needs to be facilitated. The Convention should be supplemented by a Recommendation.

Mexico. The eradication of intolerable forms of child labour is a noble objective. However, the process and time-frame of eradication are largely dependent upon the developmental stage of the member States. The illicit and covert nature of intolerable forms of child labour makes it difficult to have adequate knowledge of the problem. The first step, therefore, is to determine the nature and extent of the problem. Child labour has diverse causes and stems from the cultural, historical, social and economic circumstances of each State and community; it is thus imperative to define the target population. Not all child labour is intolerable; national legislation should therefore be taken into account. Many of the activities and concepts mentioned in the questionnaire go beyond the scope of labour and the sphere of ILO action. The texts should refer to Conventions and agreements in international criminal law and avoid discrepancies or duplication. Efforts should focus on children involved in intolerable forms of child labour — rather than on all working children, most of whom are protected under law — in particular on matters concerning their health, morality and safety. The word "intolerable" should be used instead of "extreme".

New Zealand. See under Question 1.

Portugal. The extent of the exploitation of child labour justifies the adoption of a specific Convention focused on its most intolerable and hazardous forms, such as slavery, bonded and forced labour, and on action to eradicate this scourge. Children should also be protected from work that compromises their future; threatens their safety, health and welfare; is detrimental to their education or training; deprives them of a childhood; and jeopardizes their right to education and potential for full physical and psychological development enshrined in the Universal Declaration of Human Rights. Children should be banned from all activities that put them in contact with products known to be carcinogenic or neurotoxic, heavy metals, substances that irritate the skin or lungs, some biological agents, and explosives.

While new instruments will not reduce the value of core Conventions, such as the Forced Labour Convention, 1930 (No. 29), and Convention No. 138, the most intolerable forms of child labour are not limited to forced labour as spelled out in Convention No 29; and despite the campaign for ratification of Convention No. 138, it is unlikely that its ratification rate will equal that of the other core Conventions in the near future. A Convention obliging member States to prohibit the most intolerable forms of child labour would most probably be ratified by a large number of industrialized and developing countries and become part of the core ILO Conventions.

There should be a brief Convention, supplemented by a Recommendation, which states that it does not apply to forms of child labour that do not directly threaten the health, morality

or education of children. Prohibited occupations should be defined in each country by the relevant authorities in consultation with employers' and workers' organizations, and should be reviewed from time to time. Forcing children to work under intolerable conditions as defined by the Convention should be subject to penalties, including criminal sanctions if necessary. The Recommendation should provide guidance on the necessary means to obtain the objectives of the Convention, including ways to improve conditions of child labour; raise public awareness of child labour; strengthen child labour inspectorates by involving representatives of local communities; and set up or enhance institutional mechanisms that define the priorities of national policy on child labour, in cooperation with employers' and workers' organizations.

General Confederation of Portuguese Workers (CGTP-IN): Child labour is a scourge that affects every country in the world, regardless of its level of development. The fact that it is on the increase should be a matter of concern to all international organizations, in particular the ILO. Since it is impossible in practice to eradicate immediately all forms of child labour, priority should be given to its most intolerable forms. On the eve of the 21st century, the world community cannot allow such child exploitation to be tolerated either through action or by omission. An end must be put to the silence surrounding this situation. It is vital to raise public awareness everywhere and oblige governments to take action. A new ILO Convention on child labour should require the immediate elimination of the most abusive and intolerable forms of child labour; prohibit and strictly control work that undermine the safety and physical and mental health of children, thus jeopardizing their full development; oblige ratifying Members to adopt adequate means for the achievement of these objectives; and provide for cooperation and mutual assistance. A Recommendation should detail specific measures, including the establishment of national action programmes to eradicate the most abusive forms of child labour — with the ultimate objective of gradually eliminating all forms of child labour. Both instruments should emphasize cooperation at national and international levels.

Singapore. The adoption of international instruments would help generate global awareness on the undesirability of child labour. However, such instruments should be promotional, not penal in nature so as not to impede the creation of an environment conducive to investment, trade and economic growth. The ILO should guard against the use of international labour standards to restrict trade and impose sanctions on countries under the guise of eliminating child exploitation. Such actions would adversely affect economic growth in the developing countries. International Conventions alone will not succeed in relieving children from employment if they are not accompanied by technical and financial assistance to help families recover from lost wages.

Slovenia. Trade Union Confederation '90 of Slovenia: The Confederation supports the adoption of the Convention; it also stresses that there should be increased inspection of child labour.

South Africa. Business South Africa (BSA): To combat intolerable forms of child labour as a short-term objective and gradually eliminate child labour as a long-term objective, it is necessary to identify the four root causes of child labour: poverty, family tradition, lack of schooling and economic considerations. Poverty is perhaps the most important cause of child labour. By necessity or tradition children are often expected to contribute to family survival. To avoid untold hardships on families in countries with a high incidence of child labour, a plan of action to alleviate the worst forms of poverty must be put in place before the phasing out of child labour can begin. Any instrument to combat child labour should also target parents. It is crucial for governments to have a compulsory schooling programme for children up to a certain age (16 is widely accepted), supported by a proper infrastructure for schooling so children are not idle until they gain employment. Employers employ children because they are cheap, are more suitable for certain types of work, or because parents are willing or forced to make their children available, often as bonded labour. While employers should be targeted, so should poverty, family tradition and schooling to ensure the programme can succeed.

Sweden. The Swedish tripartite ILO Committee: The prohibition of child labour must be combined with positive measures, particularly compulsory and meaningful schooling, stronger

labour inspection systems, awareness raising and the right of children to information about child labour and their rights. The drawing up of a new instrument on the most intolerable forms of child labour would not involve the revision of earlier Conventions on minimum age.

Switzerland. The proposed instrument to combat the most odious forms of child labour is indispensable and will greatly strengthen the image of the ILO.

Swiss Confederation of Christian Trade Unions (CSC/CNG): Child labour is a serious and complex problem. Urgent action is needed because it continues to spread in spite of increased awareness and attempts to stop the scourge. The Confederation accepts the pragmatic approach proposed by the ILO, to eliminate as a priority the most intolerable forms of the exploitation of children. This, however, should not undermine existing instruments, in particular Convention No. 138, which is the main instrument for a national strategy to combat child labour. The debate on a new instrument should also prompt reinforcement of the supervisory machinery of the ILO for the core Conventions.

Uganda. The nature and magnitude of child labour in recent years has widened and caused global concern. To address the problem in all its new forms, it is imperative that a new instrument concerning the elimination of child labour be adopted by the International Labour Conference.

United States. The adoption of a new Convention on child labour would be the first major ILO human rights Convention in 40 years. To be truly meaningful, the new instrument must be adopted overwhelmingly by the ILC, rapidly ratified, and effectively implemented. The new Convention ought clearly to add value to the body of international law addressing the exploitation of children. And, like the ILO's other core human rights Conventions, it must apply equally to all member States regardless of their level of development. Nonetheless, an instrument, or instruments of this stature, must not simply reflect the lowest common denominator.

This exercise should not lead simply to a revision of Convention No. 138, which is in large part a technical Convention, or be considered a repudiation of Convention No. 138. A new instrument(s) must set apart those types of child labour which, because of their destructive physical, mental and/or emotional impact on children's present and future lives, are unacceptable. The relationship between the new instrument(s) and Convention No. 138 should be clarified so that there is no misunderstanding about their differing roles in the battle against child labour. A form of child labour that is not included in the new Convention would not necessarily by implication be deemed to be fully acceptable, but would continue to be regulated by Convention No. 138. In some respects, the new instrument(s) on child labour will be a parallel to Convention No. 29, which may provide some guidance in the drafting process.

Several factors should be considered in crafting the new instruments on exploitative child labour. Simpler is better. The Convention should be confined to broad principles, while the Recommendation could be more detailed on implementation. If both instruments are adopted by the Conference, they should each be autonomous instruments. The Recommendation should not simply exist as a supplement to the Convention; neither should it be a repository for ideas that failed to be included in the Convention.

The emphasis of the new instrument(s) should be on concrete, immediate action. Most countries already have legislation on child labour — particularly on minimum age. However, adequate implementation is missing for a variety of reasons. The new instrument(s) should reflect this reality and, therefore, focus on implementation mechanisms. A new Convention on child labour should also include an extra element of accountability to help ensure its application in practice, including some type of reporting requirement that would exceed the usual Article 22 reporting mechanism.

While the Convention needs to define an age below which exploitative child labour must be prohibited, the emphasis of the discussions should be on the types of work which are intolerable at any age. Because the questionnaire is so closely linked to Convention No. 138, it suggests a number of age distinctions, for example age 18, age 16, the age of completion of com-

pulsory schooling, and children under age 12. The new Convention should not be a technical minimum age standard.

Duplication with other international organizations and treaty instruments dealing with aspects of the child labour problem should be avoided. Question 7 (c) is the most problematic. The discussions on Question 7 (c) should not focus on a universal definition of the term exploitative child labour, which equates exploitative with dangerous as in Convention No. 138, but on how to require governments, through a new international labour Convention, to determine what constitutes exploitative child labour and to monitor the implementation of action programmes to eliminate it. For example, the new Convention could require governments to identify the what, where and extent of exploitative child labour in the national context according to criteria enumerated in the Convention; establish and oversee programmes for immediate national action to suppress exploitative child labour, rehabilitate and reintegrate the children removed from labour, and prevent further instances of exploitation; establish appropriate penalties and sanctions for violations; produce periodic public reports on progress; and share experiences with, and offer assistance to, other member States in identifying best practices to eliminate exploitative child labour.

With the adoption of an important new Convention on exploitative child labour, the international community will be looking to the ILO for leadership. Therefore, the new Convention will require an emphasis on implementation and supervision to ensure that, after adoption, there is continuing and effective monitoring of implementation in law and practice. The Convention will be subject to the whole range of ILO supervisory and technical assistance responses and international cooperation toward the goal of eliminating exploitative child labour. These include the moral persuasion of the ILO supervisory bodies; ILO technical assistance, not only in the drafting of labour legislation but also in the establishment of national programmes to eliminate exploitative child labour; immediate recognition that the Convention is one of the ILO's core labour standards, resulting in application of the envisioned supervisory procedures aimed at promoting universal adherence to the principles in those standards, even in the absence of formal ratification; and actions by the ILO and member States to assist in the implementation of the new Convention through mechanisms that will publicly identify successes and failures of national policy.

In addition, to ensure that there is continuing and effective monitoring of implementation in law and practice, member States should be required to produce periodic public reports for both national and international review on accomplishments in identifying, suppressing and eliminating intolerable child labour. The new Convention should also include a provision whereby ratifying Members would be obliged to provide the ILO with any information in their possession concerning exploitative child labour, wherever it might exist, and the ILO would be responsible to take action on such information.

Uruguay. Workers: Including some of the envisaged provisions of the draft Recommendation into the draft Convention would enrich the Convention.

United Nations Committee on the Rights of the Child. The Committee stresses the importance of continuing to cooperate closely with the ILO in the process of setting new standards designed to abolish intolerable forms of exploitation of children in hazardous work and activities. It recalls that the Convention on the Rights of the Child had been widely ratified, and that its principles and provisions, particularly Article 32, call on States parties to have regard to the relevant provisions of other international instruments, particularly those pertaining to the minimum age for admission to employment, and the regulation of the hours and conditions of employment. The Committee members further recall that, at its fourth session, a general discussion was organized on the protection of children against economic exploitation and a set of important recommendations were made — many of which are reflected in the questionnaire of the ILO.

This was the case of the areas identified as the most extreme forms of child labour. The Committee — as does the questionnaire — called for the absolute prohibition of situations of servitude, including forced and compulsory labour, debt bondage, sale and trafficking of chil-

dren and the use of children for punishable criminal purposes, including child prostitution, pornography and drug trafficking (Question 7 (a) and (b)).

In its general debate, the Committee also included a reference to those activities that were dangerous or harmful to the child's physical, mental and spiritual development or were liable to jeopardize the future education and training of the child. In that regard, it was noted that ILO standards usually emphasized the importance of "health, safety and morals", also referred to in Article 32 of the Convention on the Rights of the Child, but failed to mention education — an area which the future instrument should incorporate (Question 7 (c)).

The Committee also suggested that the question of the social reintegration of the victims of child labour should be considered in the light of Article 39 of the Convention and of the relevant recommendations made by the Committee in its general debate. It was felt that the vulnerability of disadvantaged groups of children, including girls and children belonging to minority groups or indigenous children, merited particular attention in the spirit of the principle of non-discrimination recognized by Article 2 of the Convention on the Rights of the Child. Such concern should also be reflected in the process of data collection, which should, inter alia, be further disaggregated by ethnic and social origin. (Questions 9, 12, 15 and 23).

At its fourth session, the Committee recalled the particular importance of the establishment of a national multidisciplinary mechanism, comprising all competent entities, which would act as a focal point, ensure collection of information, coordinate policies, monitor progress and develop new strategies for the protection of children from economic exploitation. The adoption of national programmes of action to eliminate all extreme forms of child labour was an important step in this direction. Similar consideration should be given to the adoption of regional and subregional programmes (Questions 11, 12 and 17).

For these various reasons, the Committee was of the opinion that the new instrument envisaged by the ILO should contain a specific reference to the Convention on the Rights of the Child and to the Committee on the Rights of the Child and promote a holistic approach to the protection of children's rights (Questions 4 and 5).

The Committee further suggested that in its research activities, the ILO should study the question of child labour within the family context, a situation still insufficiently documented but which was a source of potential abuse, as some reports examined by the Committee had illustrated.

The interest in new standards on child labour is evidenced by the record number of member States replying to the questionnaire; the governments of 108 member States replied, and there was an almost equal number of additional replies from employers' and workers' organizations. The general observations reflect a consensus that the persistence and seriousness of the child labour problem warrants renewed international action, including new instruments specifically focused on intolerable or extreme forms of child labour. Governments, employers' and workers' organizations alike referred to the plight of children around the world who are in bonded and slavery-like conditions, sexually exploited through prostitution and pornography, and toiling in hazardous work and conditions. They also perceived a gap in international standards. While the United Nations Convention on the Rights of the Child and ILO instruments, particularly the Minimum Age Convention, 1973 (No. 138), and the Forced Labour Convention, 1930 (No. 29) prohibit child labour and slavery-like practices, it was felt that there were no clear priorities for national and international action focused on children in hazardous work and other intolerable situations.

While there was overwhelming support for new instruments, there was a divergence of opinion about explicit references to existing standards and the broad goal of eliminating child labour; the appropriate level of detail in a Convention; flexibility for national authorities to determine extreme forms of child labour, establish penalties

and designate competent authorities; and the immediacy with which countries would be obliged to act against extreme forms of child labour.

Some governments and many workers' organizations emphasized that the purpose of the new instruments should be to set priorities within the overall goal of the total abolition of child labour; they should in no way undermine Convention No. 138, which remained the fundamental instrument on child labour. Others, including a fair number of employers' organizations, were concerned that references to Convention No. 138 were inappropriate and might imply the adoption of provisions which, like those of Convention No. 138, would be obstacles to ratification, or that references to child labour in general were inappropriate because some forms of work by children were acceptable.

A number of countries felt that a new Convention should keep to fundamental principles because it should be part of the ILO core Conventions.

While these various issues are addressed under the relevant questions, it might be helpful to make a few general observations at the outset.

As drafted, the Proposed Conclusions apply to extreme forms of child labour. They do not address child labour as a whole, as some replies suggested they might. The term "child labour" refers to work prohibited or regulated by international labour standards. Some work is authorized depending on age and circumstances. Forms of child labour not covered in the new instruments remain the subject of existing instruments, in particular Convention No. 138, which is the fundamental ILO Convention for the abolition of child labour. This does not mean that existing instruments do not address extreme forms of child labour. Convention No. 138 clearly does in Article 3 on hazardous work and Convention No. 29 applies to children as well as adults and is applied to various forms of economic and sexual exploitation of children, including debt bondage and prostitution. The Convention on the Rights of the Child also addresses the economic exploitation of children in hazardous work, the sexual exploitation of children in prostitution and pornography and the sale and trafficking of children. But the proposed new instruments differ in that they are entirely focused on extreme forms of child labour and cover all these forms in one instrument. As proposed, they contain no exceptions based on age, category of work, sector of activity or type of enterprise. The main reason for developing new instruments, therefore, is that existing ones do not have a singular mission to put an immediate stop to extreme forms of child labour. The focus of the new instruments is on those forms of child labour that cannot be tolerated, irrespective of a country's level of development.

The Proposed Conclusions would create no obligations with respect to existing instruments for Members which have not ratified those instruments. Where provisions are similar or identical to an existing instrument, jurisprudence of the Committee of Experts on the existing instruments could inform decisions on the provisions of a new instrument. The practice of the supervisory bodies in the case of Conventions covering the same subject is to examine the matter under the most recent or more specific instrument.

The general observations indicate that issues under Questions 7 and 8 concerning the definition of extreme forms of child labour will be a major focus of debate. The level of detail in the Convention and the amount of flexibility for national authorities are at issue. Some replies also objected to including activities normally considered as crimes, not work. These issues are addressed below under Questions 7 and 8.

Another major issue raised throughout the questionnaire was the extent to which interference with education should be a criteria for determining work which is extreme. The Proposed Conclusions focus on the educational needs of children in their rehabilitation after removal from extreme forms of child labour so that they do not end up in another kind of inappropriate work or activity. Education is crucial for prevention, but suppression of extreme forms of child labour cannot wait until education is a viable solution. Convention No. 138 explicitly links the minimum age for admission to employment with the age of completion of compulsory schooling. Recommendation No. 146 also emphasizes education and the United Nations Convention on the Rights of the Child calls for free compulsory primary education available to all. Thus the link between education and the elimination of child labour is well established in international instruments.

Several countries also mentioned the relevance of child labour to the discussion on the social dimension of the globalization of international trade. Others emphasized that positive measures, not just a penal approach, needed to be adopted. Some governments believed that the focus should be on implementation, since this was more of a problem than lack of legal regulation. These comments have been considered in the drafting of the Proposed Conclusions.

I. Form of the international instrument or instruments

Should the International Labour Conference adopt a new instrument or instruments concerning the elimination of child labour? **Qu. 1**

Total number of replies: 108.

Affirmative: 105. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Bahrain, Cameroon.

Other: 1. Costa Rica.

Argentina. Yes, but only one single comprehensive and effective instrument should be adopted to deal with the problem.

Australia. A new instrument would be beneficial, but should focus on the promotion of eliminating extreme or exploitative forms of child labour. Any definition of the forms of labour that are considered extreme or exploitative should be carefully crafted to ensure that it does not encompass forms of work that do not present problems if done by children.

Benin. These instruments should concentrate on aspects of child labour that were not taken into consideration when drafting Convention No. 138; particular attention should be paid to difficulties of implementation, which prevented many countries from ratifying Convention No. 138.

Cameroon. No. Cameroon favours the abolition of the most intolerable forms of child labour and disagrees with a broad reference to the elimination of child labour.

Canada. A new instrument focused on the elimination of the most intolerable forms of child labour should be adopted as there is an international consensus on this issue. Canada prefers the term "the most intolerable forms of child labour" to "extreme forms of child labour", in line with terminology contained in the resolution concerning the elimination of child labour, adopted at the 83rd Session of the International Labour Conference in 1996, and consistent with the term used by the Governing Body when placing the item on the Conference agenda. The Government has answered the questions and suggested specific changes on the assumption that this Convention will deal with such intolerable forms of child labour, as mentioned in Question 7.

Canadian Employers Council (CEC): Yes, provided the instruments are explicitly concerned with the elimination of extreme forms of child labour. Eliminating all forms of child labour would not be in the best interests of the world's children, as some forms of work can be rewarding and helpful to persons under 18 years of age. Total elimination would also prevent some Members from ratifying the new Convention.

Costa Rica. One instrument is sufficient.

Croatia. Article 1 of Convention No. 138 is insufficient to deal with such a significant issue, thus new instruments should be adopted.

Czech Republic. A new instrument would constitute another form of international protection for the greatest group of children at risk.

Denmark. Danish Confederation of Trade Unions (LO) and Danish Federation of Public Servants' and Salaried Employees' Organizations (FTF): It is necessary to extend international instruments to counter the increasing use of child labour. It is a human and social problem that far more than 200 million children start their day by going to work rather than to school.

Egypt. The new instrument should address the causes and propose the best solutions to the problem.

Eritrea. Yes, because of the increased suffering of children.

Estonia. Confederation of Estonian Industry and Employers (CEIE): No.

Ethiopia. Convention No. 138 does not effectively address the causes and forms of child labour and effective mechanisms to tackle it.

Finland. This issue is so central and crucial for basic human rights that it should be dealt with as efficiently and conclusively as possible. As long as child labour continues despite existing international Conventions which prohibit it, the issue should be dealt with and present standards improved. There should be no obstacles to adopting a new international instrument. Measures to put an end to all extreme forms of child labour, which prevent children's normal physical and mental development and interfere with schooling, should be emphasized. Particular attention should be paid to effective enforcement and monitoring of compliance with regulations. The ILO should also promote the implementation and effective monitoring of the Conventions currently in force concerning child labour, sale of children, child prostitution and child pornography. New instruments would make it possible to define priorities and intensify the battle against child labour.

France. French Confederation of Executive Staff (CFE-CGC): The reinforcement of existing instruments is a priority, especially for the most intolerable forms of child exploitation.

Gabon. Yes, given existing abuses.

Germany. Confederation of German Employers' Associations (BDA): Yes, provided the instruments target the most intolerable forms of child labour.

Ghana. Current standards on child labour, even though comprehensive, are scattered in different instruments. These could be consolidated in a new instrument.

Greece. Children should be protected against economic exploitation and their fundamental rights respected. The time is therefore ripe to adopt instruments prohibiting extreme forms of child labour.

Haiti. The worsening of the economic situation gives rise to an increasing use of child labour and jeopardizes the school attendance of child workers.

Honduras. Chamber of Commerce and Industries of Tegucigalpa (CCIT): Yes, except in those cases in which the adoption of such instruments might prove more prejudicial than beneficial for the children and their families who rely on the economic support provided by the child.

Honduran Council of Private Enterprise (COHEP): Yes. The instrument should not include sanctions against those countries in which child labour exists for economic and social reasons which are deeply rooted in tradition. Prior to application, there must be awareness-raising activities.

Hungary. While the Government favours a new international instrument to control child labour, existing instruments (Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, International Covenant on Social and Cultural Rights, the Convention on the Rights of the Child, the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), the Medical Examination of Young Persons (Non-Industrial Occupations Convention), 1946 (No. 78), the Medical Examination of Young Persons Recommendation, 1946 (No. 79), and Convention No. 138) provide acceptable regulations, provided that ratifying States emphasize enforcement.

National Federation of Autonomous Trade Unions (ASZSZ) and Cooperation Forum of Trade Unions (SZEF): No. The issue could appropriately be addressed by effectively implementing existing international instruments.

Italy. Italian General Confederation of Labour (CGIL), Italian Confederation of Workers' Unions (CISL), Italian Labour Union (UIL): In the absence of adequate standards and supervisory mechanisms, the globalization of the economy might increase the exploitation of child labour. Therefore, it is necessary to adopt a more precise instrument on the most intolerable forms of child labour.

Jamaica. The instruments should be directed at extreme forms of child labour, which, regardless of the economic conditions of a country, are unacceptable, antisocial and abhorrent.

Kenya. Central Organization of Trade Unions (COTU): Yes, to end intolerable forms of child labour.

Republic of Korea. Consideration should be given to the inadequacies of specific international regulations and the differences among the laws and practices of each member State.

Latvia. The main objective should not focus on child labour in general, but on its most extreme forms, including work that is hazardous to the health and virtue of children.

Mexico. Yes. Nevertheless not all child labour should be eliminated; consequently, reference should be made only to its intolerable forms. Attention should be given to the definitions and systems applicable to child labour in the legislation of each State.

Morocco. A new instrument should focus on practical means to guide member States in the design of realistic national strategies and programmes of action for the progressive elimination of intolerable forms of child labour.

New Zealand. The purpose of a new instrument should be clear from the outset. There should be no suggestion that all forms of child labour are harmful. A broad range of complex factors underlies the causes of extreme /hazardous forms of child labour. An understanding of these factors may help achieve more meaningful progress than would a blanket prohibition on child labour. For instance, consideration should be given to the key economic role that children have in some countries as sole income earners for their families. The interests of those children and their families might be better served if measures such as education programmes funded by employers, or efforts to improve the ability of care-givers to protect children from extreme/hazardous forms of child labour, are implemented. An instrument should emphasize outcomes, not means, and be flexible and non-prescriptive about methods; it should provide a framework to accommodate the diversity in national policies and practice of ILO member States. The best means of attaining universal ratification of such an important instrument would be to ensure that its underlying principles are set out so that different ways of achieving them would be possible. The ILO should draw upon its information resources, including those obtained from consultation with participating countries in the International Programme on the Elimination of Child Labour (IPEC), to determine which measures in the proposed instrument would provide the greatest encouragement to countries to address the issues. Even though New Zealand opposes a Recommendation, subsequent comments on questions are based on the likelihood that one will be proposed.

New Zealand Employers' Federation (NZEF): Emphasis should be placed on the provision of technical assistance so that countries where exploitative child labour is prevalent might experience the kind of economic growth which would mean that families would no longer need to be dependent on the work of their younger members and ensure that educational opportunities would be made available to all young people. Simply requiring the suppression of all child labour without providing assistance of this kind would, in many cases, result in children being forced to engage in far worse jobs, prostitution in particular. The abolition of exploitative child labour should be accepted as a first principle which all countries promise, on becoming Members of the ILO, to uphold or aspire to if they do not yet have the ability to eliminate child labour completely.

New Zealand Council of Trade Unions (NZCTU): Yes. The NZCTU strongly supports both the elimination of hazardous and extreme forms of child labour and the protection of young workers in all occupations. However, it is questionable whether the elimination of all forms of child labour is feasible and appropriate. Traditionally, New Zealand children have been involved in after-school, holiday and weekend work, such as fruit picking, paper rounds and milk runs. Yet it must be accepted that these occupations could be unsafe for young children with little knowledge of potential hazards, such as busy public roads. It may be desirable to have minimum ages for entry to such occupations in some cases, but overall such measures may be too inflexible.

Norway. There is an urgent need for a new instrument supplementing Convention No. 138.

Pakistan. A new instrument could enable the member States to combat child labour in a more scientific manner.

Peru. The Convention should regulate child labour and aim at the progressive elimination of hazardous and exploitative forms of work carried out by children.

Philippines. The instrument should focus not only on the child but also on the family and should cover abusive, hazardous and extreme forms of child labour.

Portugal. Confederation of Portuguese Industry (CIP): Yes. The elimination of illegal child labour is dependent on effective means for implementation at the national level.

CGTP-IN: Yes. Convention No. 138 has a general scope, aimed at setting a minimum age for admission to work and other instruments such as Convention No. 29 are applied to some

extreme forms of child labour. The adoption of new instruments, specifically applicable to child labour in its most intolerable and abusive forms, is a matter of urgency.

Russian Federation. This is imperative because extreme forms of child labour, such as prostitution or drug trafficking, are not currently covered by ILO Conventions.

San Marino. Yes. It needs to be specific and comprehensive.

Slovakia. Yes, because child labour is increasing in many countries.

South Africa. Existing Conventions and legislation should also be enforced.

BSA: Yes. It is, however, of the utmost importance to approach the problem in a holistic way and not single out employers as the only, or even the main, target.

Spain. Yes, because the magnitude of the problem is of global concern.

General Union of Workers (UGT): Yes, however, all forms of child labour should be covered.

Switzerland. Yes, to supplement existing international instruments and provide an adequate response to the expectations of the international community toward child labour.

Confederation of Swiss Employers (UPS): Yes. The problem of child labour is complex and requires a long-term approach. However, its most intolerable forms must be eliminated immediately.

CSC/CNG: Yes. However, this Question does not seem correctly worded as it refers broadly to the elimination of child labour, for which Convention No. 138 is relevant.

Tajikistan. It is appropriate to adopt new instruments on child labour to enhance national and international action and the authority and supervisory machinery of the ILO.

United Republic of Tanzania. Yes, to supplement the existing instrument.

Turkey. Yes, if the instruments are ratifiable and can be applied.

Confederation of Turkish Employer Associations (TISK): No, as there are already legally binding international Conventions and an established national legal structure on the subject. The ILO should offer assistance only with problems of implementation. This could be reinforced by a Recommendation.

Ukraine. The existing socio-economic situation in Eastern Europe and the CIS countries calls for modification of the instruments which have already been adopted. There has been a tendency towards increased employment of children in the informal sector.

United Kingdom. The United Kingdom Government strongly supports the development of a new international instrument to tackle the most intolerable forms of child labour.

Trades Union Congress (TUC): Yes. All member States should ratify and apply Convention No. 138. Attention is drawn to the commitments made by all but two member States of the United Nations in ratifying the United Nations Convention on the Rights of the Child and in particular to the terms of Article 32. The resources that the international community and national governments are prepared to devote to combating child labour are insufficient to tackle all aspects of child labour immediately. There is thus a need to set priorities. A new Convention would provide a focus for international and national action and should galvanise the political will needed to reduce the vast human suffering of children exploited in the most intolerable and hazardous types of work.

United States. Yes, provided the result is an instrument(s) that reflects the international community's demand for immediate action concerning exploitative forms of child labour.

United States Council for International Business (USCIB): Yes. Convention No. 138 is complicated, technical and difficult to ratify. It has been an ineffective instrument to address egregious forms of child labour because of its emphasis on age. Though it has been relied on to deal with exploitative child labour, Convention No. 29 is not specific enough to set out unacceptable child labour. A blanket Convention targeted at the worst forms of child labour is needed.

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO): Yes. The new instrument must not replace or lower the minimum age or other standards set in Convention No. 138. It should also include language that any work which prohibits or impedes children from attending or completing compulsory education is considered intolerable. The instrument should further indicate that intolerable forms of child labour, whether commercial or non-commercial, are to be eliminated.

Uruguay. Employers: Everyone agrees that the century should conclude with this major Convention.

Venezuela. National Child Institute (INAM): Member States should be invited to put forward their own definition of child labour to determine whether the ILO definition takes account of their specific cultural differences. An instrument is needed to eliminate exploitative child labour. A total ban on child labour could be applied only to children under the age of 12 and standards adopted to protect children in employment between the ages of 12 and 18 years.

National Independent Family and Child Welfare Service (SENIFA): The ILO should adopt more than one instrument which makes a distinction between work carried out by very young children and teenagers, taking particular account of female child labour. Indeed, young girls carry out domestic duties at home which are not considered work in the strict sense of the term; this nevertheless prevents them from attending school. This situation could be regulated in the instruments.

Yemen. Yes. Provided that the new instruments include new provisions and do not merely repeat the existing ones.

Federation of Workers' Unions (FWU): Yes. Legally binding instruments are needed to guide member States. Fundamental principles and standards should be uniform.

The vast majority of replies from governments, as well as from employers' and workers' organizations, supported the adoption of a new international labour standard(s) on child labour. In view of the considerable concern expressed in the replies that the new instruments clearly focus on extreme forms of child labour, *Point 1* has been drafted accordingly.

As mentioned under the general observations, many governments spoke of the serious nature of the problem and the gap in current international regulation of child labour. There was some opposition to new instruments. For example, one government said that the effective implementation of existing international instruments would appropriately address the problem, thus there was no need for new standards. An employers' organization doubted whether any instrument would be sufficiently non-prescriptive and encompass the variety of national circumstances that exist to achieve wide ratification.

Some countries wanted to replace the phrase "extreme forms of child labour" with "the most intolerable forms of child labour", to be in line with the reference in the 1996 Resolution concerning the elimination of child labour adopted by the International Labour Conference. There was, however, considerable objection to referring to the most intolerable forms to avoid the implication that some were tolerable. The word "extreme" has been retained in *Point 1* and throughout the Proposed Conclusions to refer to the types of work or other activity which should be suppressed immediately. It is a word of convenience to capture broadly the types of work to be prohibited and to state that extreme forms of child labour cannot be tolerated. *Point 9* of the Proposed Conclusions state what the expression "extreme forms of child labour" should comprise.

If so, should the instrument or instruments take the form of: **Qu. 2**

(a) a Convention only?

(b) a Recommendation only?

(c) a Convention supplemented by a Recommendation?

Total number of replies: 107.

Subparagraph (a):

Convention only: 5. Argentina, Cape Verde, Mongolia, New Zealand, Zimbabwe.

Subparagraph (b):

Recommendation only: 10. Bahrain, Bangladesh, Egypt, El Salvador, Guyana, Indonesia, Mexico, Morocco, Nicaragua, Pakistan.

Subparagraph (c):

Convention supplemented by a Recommendation: 92. Algeria, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Myanmar, Namibia, Nepal, Netherlands, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen.

Algeria. National Union of Public Entrepreneurs (UNEP) and General Confederation of Algerian Economic Agents (CGOEA): A Convention supplemented by a Recommendation.

Australia. The Convention should set out the broad purposes and goals of eliminating exploitative forms of child labour in non-prescriptive language. Details about appropriate methods to achieve these goals should be contained in the Recommendation, which would also be useful in addressing definitions.

Belgium. CNT: Given the need to bring an end to the most odious forms of child labour immediately and the international consensus for a new instrument on the subject, the Council supports both a Convention and Recommendation.

Brazil. There should be a Recommendation in addition to the Convention to provide guidelines for countries that cannot adopt the Convention.

National Confederation of Industry (CNI): Recommendation only.

National Confederation of Commerce (CNC): Recommendation only, to ensure greater flexibility in its application.

Cameroon. A Convention supplemented by a Recommendation because even if countries fail to ratify a Convention immediately, they can be guided by provisions in the Recommendation.

Canada. There should be a legally binding Convention that would be included among the core labour standards. To promote universal ratification, it should be simple, concise and

focused on principles. It could be supplemented by a Recommendation with more detailed guidance on policies, programmes and national plans of action.

Confederation of National Trade Unions (CNTU): A Convention only.

Cape Verde. Sotavento Trade Association (ACS): A Convention supplemented by a Recommendation.

Chad. There should be a Convention supplemented by a Recommendation, given that some member States are not able to apply the Convention in its entirety.

Croatia. The Convention should be clear and concise to enable extensive ratification. A Recommendation should therefore be adopted which would include more detailed instructions to the member States on measures to implement the Convention.

Czech Republic. A Convention supplemented by a Recommendation, since only a Convention creates an international legal obligation.

Denmark. A new Convention supplemented by a Recommendation should underpin Convention No. 138 and not reduce its importance.

Dominican Republic. A Convention supplemented by a Recommendation. The Convention should only contain measures indispensable to eliminate child labour.

Egypt. A Recommendation only, as this would give developing countries an opportunity to improve employment conditions and provide educational and social services. Subsequently, a Convention could be adopted.

El Salvador. It would be more practical to adopt a Recommendation only, in view of the level of the economic development of poorer countries and their capacity to implement a Convention.

Ethiopia. The Convention should deal with major policy matters, while the Recommendation should provide more detail and information to be utilized by member States.

Fiji. Having both instruments would assist member States to eliminate child labour progressively.

Fiji Employers' Federation (FEF): A Convention only.

Finland. A Convention should include provisions needed to attain a satisfactory minimum level of protection. Goals to strive for could be in the Recommendation.

France. The Convention should lay down the key principles and the Recommendation should specify the means of implementation.

Ghana. A Recommendation would enable States that might have difficulty ratifying the Convention, but wish to tackle the problem of child labour, to fashion their legislation on the Recommendation.

Germany. BDA: The Convention should be limited to a small number of basic provisions.

German Union of Salaried Employees (DAG): A Convention only.

Greece. A Convention supplemented by a Recommendation, as this would be the best way of ensuring that existing gaps in international instruments are filled.

Guatemala. A Convention supplemented by a Recommendation so that member States might undertake reforms and positive measures to eliminate high-risk child labour.

Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations (CACIF): A Recommendation.

Honduras. Both instruments, to supplement existing instruments regulating child labour.

CCIT: A Recommendation only.

COHEP: A Convention supplemented by a Recommendation would be more comprehensive and useful since the obligation to comply could be made subject to gradual regulation.

Hungary. National Association of Industrial Corporations (IPOSZ) and National Federation of Workers' Councils (MTOSM): A Convention only.

Indonesia. A Recommendation only. Convention No. 138 has not been widely ratified; therefore it might need a supplementary Recommendation.

Ireland. ICTU: A Convention supplemented by a Recommendation would allow for a comprehensive approach to this complex question.

Italy. A binding Convention is needed, supplemented by a Recommendation to specify action to be taken in greater detail. A Recommendation would also help promote ratification and ensure effective implementation. Conventions and Recommendations and the supervision of their implementation are essential means whereby the ILO can improve the law and practice of its member States. The new Convention would need to be widely ratified and require effective measures and monitoring mechanisms. These should include programmes to promote public awareness and education campaigns. Innovative programmes will be necessary to bring about change and provide alternatives for the children concerned, especially girls. Full participation from all parts of the community is needed, including children. See also under "General observations".

Jordan. General Federation of Jordanian Chambers of Commerce: A Convention only would be legally stronger and more effective.

Kenya. COTU: Both instruments because economic, social or cultural conditions vary among countries.

Lebanon. A Convention to provide for broad guidelines, with detailed clarification in a Recommendation.

Lithuania. Lithuanian Labour Federation (LLF): A Convention only.

Malaysia. Malaysian Employers Federation (MEF): A Recommendation only.

Mauritius. The Convention should be flexible enough to enable Members to move progressively to full compliance.

Federation of Civil Service Unions (FCSU): A Recommendation enables the implementation of the provisions of the Convention.

Mexico. It would be appropriate to adopt a Recommendation only with the sole purpose of providing member States with standards to guide their actions from this standpoint.

Mongolia. Mongolian Employers' Association (MEA): A Recommendation only.

Morocco. The proposed instrument should take the form of a Recommendation containing a set of directives which may be translated into national legislation and policies in member States. The envisaged Recommendation should have the necessary authority to ensure its effectiveness by giving it a proper status independent from a Convention and by strengthening the procedures for the regular monitoring of its application, within the framework of the supervisory machinery provided for under the Constitution of the ILO.

Namibia. Both instruments are needed to complement each other and to demonstrate the seriousness of the member States.

New Zealand. A Convention only. The Convention should be transparent and accommodate diversity in national law and practice. It should not contain prescriptive provisions on measures to implement the Convention that are normally found in a Recommendation, nor become too unwieldy. While the purpose of a Recommendation is appreciated, over-prescription of measures suppresses initiative to find national solutions in accordance with national law and practice. There are alternative mechanisms to Recommendations, in particular information dissemination.

NZEF: Neither instrument. A new instrument will not achieve the effect intended and it is doubtful that any instrument developed would, in the long run, be sufficiently non-prescriptive to encompass the variety of national circumstances which currently prevail — in which case

it would probably go unratified by those countries where exploitative child labour is more prevalent. Although it has answered subsequent questions, the Federation's position regarding the instruments remains unchanged.

NZCTU: A Convention and Recommendation. A Recommendation is a useful mechanism to support a Convention and would ensure that the provisions of a Convention are taken seriously by member States. However, there is a risk that measures that are particularly prescriptive in a Recommendation might be inherently inflexible. The Recommendation should strike a balance with reasonable State practices and policies.

Oman. Chamber of Commerce and Industry of Oman: A Convention supplemented by a Recommendation.

Pakistan. A Recommendation would be sufficient to help member States design strategies for the elimination of child labour.

Philippines. With a Recommendation supplementing a Convention, governments would not only be bound by their commitment but would be able to bring their law and practice with the guidelines contained in the Recommendation.

Portugal. CIP: A Recommendation.

CGTP-IN: The basic standards on child labour should be binding and therefore contained in a Convention. In view of the importance and particularly sensitive nature of the issue, a Recommendation should be adopted. It should include more advanced or more detailed provisions that are too difficult to implement immediately, but which would serve as a reference for the member States when they adopt legislation in the future.

Russian Federation. Two instruments would make it possible to cover the serious problem of extreme forms of child labour more comprehensively and to establish a mechanism for implementing the Convention.

Slovenia. Both instruments are necessary to eliminate child labour effectively.

Spain. In view of the fact that a Convention sets standards and is binding, it should be supplemented by a Recommendation.

Sweden. Clear and binding provisions should be contained in a Convention and recommendations on corresponding and supplementary measures should be in a Recommendation.

Sudan. A supplementary Recommendation can provide more detailed provisions.

Switzerland. UPS: Given the seriousness and urgency of the matter there should be a Convention supplemented by a Recommendation. To increase the chances of widespread ratification, the Convention should focus on the most intolerable forms of exploitation of children — those which are the most condemned internationally. The other aspects of the issue, in particular the need for poor families to send their children to work, should be dealt with in a Recommendation. The simplistic solution of taking children out of work without other financial resources for survival often makes their situation worse.

CSC/CNG: Both instruments. In view of the need to abolish all forms of child exploitation as soon as possible, a Recommendation is important to better orient national legislation and to facilitate international cooperation.

Tunisia. The Convention should be limited to basic principles, while the Recommendation should spell out concrete measures and the kinds of assistance necessary to eliminate child labour.

Turkey. TISK: A Recommendation only.

Ukraine. With both instruments, governments might apply certain provisions of a Recommendation without waiting for ratification of a Convention.

United Kingdom. A Convention supplemented by a Recommendation. The Recommendation would provide additional non-binding guidelines and good practice ideas which could help member States make progress.

TUC: There is a need for a clear and strong Convention, which would be a human rights Convention and set priorities and criteria. It should be widely ratifiable and not undermine existing standards, in particular Convention No. 29. The complexity of the practical steps needed to implement successful programmes to remove children from hazardous forms of child labour and to prevent new recruitment means that the Convention should be supplemented by a Recommendation.

United States. The Government favours a simple, short Convention, dealing with broad principles, and a more detailed Recommendation concerning suggested means of implementation. While the Recommendation would supplement the Convention, the two instruments should none the less be autonomous. In particular, a Recommendation should not simply or largely be a repository for ideas rejected from inclusion in the Convention. The instrument(s) should deal with exploitative forms of child labour.

USCIB: The instruments should take the form of a short, general Convention covering exploitative forms of child labour which are not addressed by Convention No. 138. It should not duplicate Convention No. 138, which would continue to deal with age-related child labour issues. The Convention should be supplemented by a more detailed Recommendation that would provide guidance on eliminating exploitative child labour.

Venezuela. SENIFA: A Convention supplemented by a Recommendation is useful for governments, trade unions, employers, and NGOs concerned with children. A Recommendation can suggest possible lines of action and policies and give greater scope for interpretation of the Convention.

Yemen. The Recommendation should include detailed measures and standards to guide Members when applying the Convention.

FWU: In principle, a Convention only because of the widespread problem, but there is no objection to a supplementary Recommendation.

The majority of replies favoured a Convention supplemented by a Recommendation with a few opting for a Convention or Recommendation only. Those that favoured both instruments emphasized the need, in view of the seriousness of the problem, for a legally binding Convention and a supplementary Recommendation which could facilitate implementation of the Convention and provide more detailed guidance on practical action. Some governments emphasized that a new Convention should be part of ILO core Conventions; it should thus be a concise instrument limited to broad fundamental principles so that it could be ratified and implemented by a large number of countries regardless of level of development.

Some governments viewed a Recommendation as desirable and necessary for countries which could not ratify the Convention immediately. Others said that the value of a Recommendation was that it could include provisions that took account of different social, cultural and economic conditions in countries which had child labour. One government argued that the Recommendation should be able to stand on its own and not be a repository for provisions rejected from inclusion in the Convention.

Several governments, employers' organizations and a workers' organization supported a Convention only. One country believed that while the purpose of a Recommendation could be appreciated, over-prescription of measures, which could happen in the case of Recommendations, could suppress local initiatives to find national solutions in accordance with national law and practice. Another view was that the subject of extreme forms of child labour was so serious as to require a strong instrument with clear obligations. Those that supported a Recommendation only believed more time

was needed to improve employment, education and social services before extreme forms of child labour could be eliminated or felt that a Recommendation would provide sufficient guidance.

Given the widespread support for a Convention supplemented by a Recommendation, the Proposed Conclusions have been drafted in the form of a Convention supplemented by a Recommendation (*Point 2*).

II. Preamble to the instrument or instruments

Qu. 3 *Should the Preamble consider that the effective abolition of child labour, which is the subject of the Minimum Age Convention, 1973, and the Minimum Age Recommendation, 1973, would be facilitated by the adoption of a new international instrument(s) aimed specifically at the immediate suppression of extreme forms of child labour?*

Total number of replies: 108.

Affirmative: 100. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Venezuela, Yemen, Zimbabwe.

Negative: 5 . Bahrain, Canada, India, New Zealand, Uruguay.

Other: 3. Mexico, Phillippines, Portugal.

Argentina. The Preamble should state that immediate suppression is necessary and requires rigorous and drastic measures.

Australia. Yes; however, the Preamble should just set out why the instrument is considered necessary and what it aims to achieve. The adoption of a new instrument should not be seen as simply a step in achieving the objective of the effective abolition of all forms of child labour, which is the subject of Convention No. 138 with its limited exceptions.

Australian Council of Trade Unions (ACTU): Yes. These instruments should stress that the immediate suppression of extreme forms of child labour should be part of comprehensive efforts to eliminate all child labour.

Cameroon. The envisaged instruments would enable the developing countries to distinguish between attempts to integrate children into society and extreme forms of exploitation.

Canada. The Preamble should not focus on the abolition of child labour, but sum up the aims of the Convention and indicate how the Convention is complementary to Conventions No. 29 and No. 138.

CEC: Yes, the aim of a new Convention is distinct from the more general Convention No. 138. The concern here should be with certain extreme forms of child labour to be eliminated immediately.

Colombia. DTT: The Preamble should refer to the effective abolition of child labour for children under age 12 and to the protection of working children from ages 13 to 17. Referring to the effective abolition of child labour contradicts the provision which reads "the immediate suppression of the most extreme forms of child labour" and is beyond the socio-economic, administrative and enforcement capacities of Latin American countries.

Czech Republic. Czech-Moravian Chamber of Trade Unions (CMK OS): Yes, the suppression of extreme forms of child labour should be part of comprehensive efforts to eliminate all child labour.

Denmark. The adoption of a new Convention and Recommendation should not lead to the dilution of existing instruments. ILO instruments and the EU Directive on the protection of young people at work offer graduated protection of child labour, while the Danish national rules allow young persons over the age of 13 to perform light work, which does not constitute a risk to safety and health. It is important to list the priorities contained in the questionnaire.

LO/FTF: The term "most intolerable" forms of child labour, used in the documentation material could imply that tolerable forms of child labour exist. It should be absolutely clear that there are no tolerable forms of child labour.

Estonia. CEIE: No.

Finland. Yes. It should be taken into account, however, that not all member States have ratified all the instruments in question. The new Convention should be seen as supplementing existing instruments, not replacing them. This could also be emphasized in the text of the Convention.

The Central Organization of Finnish Trade Unions (SAK), The Finnish Confederation of Salaried Employees (STTK), The Confederation of Unions for Academic Professionals (AKAVA): The Preamble should also emphasize that the elimination of extreme forms of child labour should form part of extensive efforts to limit child labour in general.

France. French Democratic Confederation of Labour (CFDT): The immediate suppression of extreme forms of child labour should be integrated in a policy aimed at the elimination of all forms of child labour.

Gabon. The aim is to support the provisions of Convention No. 138.

Greece. The adoption of new instruments would complete and facilitate the fulfilment of the objectives of Convention No. 138. Since the ILO considers that its ratification will remain difficult for many countries, the adoption of new instruments on child labour is necessary.

Guatemala. Yes, in the framework of comprehensive policies to protect children and young people, which acknowledge their rights.

Trade Union Confederation of Guatemala (CUSG): Yes, because existing legislation does not refer to the immediate suppression of extreme forms of child labour.

Federation of Bank and Insurance Employees (FESEBS): Yes, it introduces a substantive international law basis.

Hungary. (Questions 3-5) It is important to point out the justification for new instruments and stress that they are in harmony with other multilateral agreements on the subject as well as with the activities of other agencies working to detect and prevent crimes against children.

Iraq. General Federation of Trade Unions: A reference should be added to show the practical reason for new instruments.

Italy. The objective of the new Convention should not be to replace Convention No. 138. The immediate suppression of extreme forms of child labour is a matter of utmost priority, to be dealt with in the new instruments.

Jamaica. Jamaica Confederation of Trade Unions (JCTU): The emphasis should be placed on a planned programme for the effective elimination of the most intolerable forms of child labour.

Kenya. COTU: Yes. Convention No. 138 is a useful starting-point.

Kuwait. The new instruments should complement previous instruments and add where there are shortcomings.

Lebanon. In view of the flexibility of the provisions of Convention No. 138, a new instrument emphasizing the immediate suppression of extreme forms of child labour may be practically possible and would contribute to the objectives of Convention No. 138.

Mauritius. Child labour, especially in its extreme forms, is an issue of major concern that should be addressed at international level.

Mexico. The Preamble could indicate that States should provide for the immediate suppression of the most intolerable forms of child labour, which is best done by progressively enhancing the economic and social circumstances of communities, taking into account the specific conditions in member States, particularly those which are developing. The adoption of new international instruments will not, in itself, bring immediate direct benefits to children.

Mongolia. MEA: Reference to these matters should be in the Preamble to the Recommendation.

Morocco. The Preamble should state that child labour is a complex economic and social phenomenon which may be gradually eliminated, and stress that the adoption of a new international instrument on intolerable forms of child labour would contribute to its effective elimination.

Netherlands. National Federation of Christian Trade Unions (CNV): The objective of abolishing all child labour should also be mentioned.

New Zealand. Abolishing all forms of child labour is not valid or realistic. The employment of children in some work, for example part-time/holiday work such as newspaper rounds and fruit-picking, is not harmful and indeed may be socially desirable. A blanket statutory minimum age is not the best means of preventing the most exploitative and hazardous forms of child labour, for instance, child prostitution or bonded child labour; there should therefore be no reference to Convention No. 138 and Recommendation No. 146. A statutory minimum age also implies that any work done by persons under that age is exploitative. In some countries, complying with the minimum age takes away some young people's livelihood.

NZEF: Agrees with the Government that not all forms of child labour are exploitative. The use of the word "labour" is inappropriate since it is intended to be understood in a pejorative sense. Therefore, it is better to emphasize "exploitative" child labour.

NZCTU: Yes. Convention No. 138, in particular Article 7, is not necessarily inconsistent with the long-established practice of young workers participating in after-school and holiday work.

Nicaragua. The emphasis should be on the elimination of the most intolerable and extreme forms of child labour.

Norway. This instrument should stress that the immediate suppression of extreme forms of child labour should be undertaken as part of a comprehensive effort to eliminate all forms of child labour, which is the subject of Convention No. 138.

Oman. Chamber of Commerce and Industry of Oman: Yes.

Pakistan. A reference to other instruments in the Preamble would remind member States of their obligations to curb child labour.

Philippines. While immediate suppression of extreme forms of child labour is commendable, it is not achievable in the short term. As long as poverty prevails, child labour will remain. A new international instrument would not suppress child labour. A global effort to

eradicate poverty, and eventually child labour, should be a priority not only of member States but of all international agencies. The Preamble should target the progressive elimination of child labour.

Portugal. The Preamble should state that the effective eradication of forced labour by children would be facilitated by the adoption of instruments specifically targeted at the immediate elimination of the most extreme forms of child labour. In practice, the ultimate objective of Convention No.138 (the elimination of all forms of child labour) is, for economic, social and cultural reasons, virtually impossible at present. To set a goal of immediately suppressing the most extreme forms of child labour should not impede the long-term aim of suppressing all forms of child labour.

CGTP-IN: Yes. Even though Convention No. 138 states as its ultimate objective the elimination of all forms of child labour, child labour continues to be a worldwide scourge. For economic, social and cultural reasons, the immediate elimination of all forms of child labour is virtually impossible. The primary objective of these new instruments should therefore be the suppression without delay of the most intolerable forms of child labour through appropriate measures at national and international levels. However, the progressive eradication of all child labour must remain the major — albeit long-term — objective of any ILO instrument on child labour.

Slovakia. The Conference should adopt new instruments on the abolition of child labour as Convention No. 138 has become obsolete.

South Africa. BSA: Yes. It is important to define "extreme forms of child labour" clearly.

Switzerland. UPS: The Preamble should not refer to other instruments, but to the basis of the new instrument and essential principles.

CSC/CNG: Yes. The immediate suppression of extreme forms of child labour is a priority, but constitutes only a step towards the objective of the complete abolition of child labour.

Swiss Federation of Trade Unions (USS/SGB): The immediate suppression of extreme forms of child labour should be within the framework of global efforts to eliminate all child labour.

Tajikistan. The Preamble should mention the need to adopt new international instruments aimed at the immediate prohibition of extreme forms of child labour.

Turkey. Yes, but extreme forms of child labour should be clearly defined.

TISK: No, as the meaning of "extreme forms of child labour" is not sufficiently clear.

Confederation of Turkish Trade Unions (TÜRK-IS): Yes, because it draws attention once again to Convention No. 138.

Textiles, Knitting and Clothing Workers' Union of Turkey (TEKSIF): Same comment as made by ACTU under Australia.

Uganda. New international instrument(s) would build on and complement Convention No. 138 and set clear priorities leading to the effective abolition of extreme forms of child labour.

Ukraine. The Preamble should mention the changes that have taken place in the use of child labour and emerging trends, such as the development of "shadow" markets for child labour in Eastern Europe and the former Soviet Union.

United Kingdom. TUC: Yes, but it should also include a reference to Convention No. 29 and the new instruments should stress that the immediate suppression of extreme forms of child labour should be part of an overall strategy to eliminate all child labour.

United States. Yes. However, care must be taken not to call for the elimination of all forms of child labour. While the specification of a minimum employment age facilitates the suppression of abusive child labour, the United States would be unable to ratify an instrument which requires a minimum employment age inconsistent with the terms of United States laws. The Preamble should sum up the aim of the new Convention; i.e. that over and above what is

provided by Convention No. 138, the instrument seeks to eliminate exploitative child labour. It should also be made clear that forms of child labour not included in the instrument are not by implication deemed to be appropriate. The Preamble could refer to Convention No. 29, another key ILO Convention with a bearing on exploitative child labour. The Preamble should also provide that member States recognize that all children should reach maturity with the education and health they require to become full contributors to their societies, their countries and the international community, and that they, the member States, will strive to ensure this.

USCIB: Yes, but it should not implicitly incorporate Convention No. 138, which would become a barrier to the rapid ratification of the proposed Convention because Convention No. 138 has proven difficult to ratify.

AFL-CIO: Immediate suppression of extreme forms of child labour should be part of the strategy to eliminate child labour.

Uruguay. Workers: Yes.

Venezuela. INAM: Considering that work carried out by children and young people takes different forms in different countries, it would be sufficient to establish the immediate suppression of all forms of exploitative child labour, such as long working hours, involvement in income-generating activities at an early age, and activities carried out outside the framework of what is legally and socially permitted. All these factors are related to difficulties in attending school, training and preparation for work, and the lack of a comprehensive social security system. Activities linked to family protection should be developed and hazardous work suppressed.

SENIFA: The actual elimination of child labour should be a medium-term objective. The Convention should regulate specific types of hazardous work and the minimum age for employment, depending on the type of work being carried out. Labour inspectors could target the most hazardous forms and move children to safer work, which would allow them to attend school, obtain vocational training and time for recreation.

Yemen. Determining the minimum age is not sufficient.

Federation of Yemen Chambers of Commerce and Industry (FCCI): No. What has been adopted already is sufficient.

FWU: Yes, as minimum age regulations alone are not enough.

The three questions about the Preamble received support from the vast majority of governments as well as from the employers' and workers' organizations. None the less, there was considerable comment on the specific wording and differences of opinion as to the appropriateness of the references to be made and level of detail. One group of replies opted for a short, focused Preamble mentioning only those international instruments which dealt specifically with children or those that had practically universal acceptance. Others wanted a more detailed list of relevant international instruments and activities. Some thought that more should be said about the purpose of the new Convention and the problem it was addressing, i.e. extreme forms of child labour and its causes and consequences.

Concerning Question 3, one group of countries and workers' organizations wanted to ensure that the new Convention would supplement and in no way replace or undermine the Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146), 1973. Further, the Preamble should stress that the immediate suppression of extreme forms of child labour would be undertaken as part of comprehensive efforts to eliminate child labour. Another group wanted no explicit or implicit call for the elimination of all forms of child labour and were concerned about the consequence of the reference to Convention No. 138; it might implicitly incorpo-

rate the provisions of Convention No. 138 and thereby create similar obstacles to ratification of a new Convention. Some suggested a more specific statement about the relationship between the new instruments and Conventions No. 138 and No. 29.

Similar concerns were raised about references to other international instruments in Question 4. Most of those who commented emphasized the importance of the United Nations Convention on the Rights of the Child. There was general agreement that it should be mentioned in the Preamble to highlight its importance and universal acceptance. Some thought this reference was sufficient to keep the Preamble simple and focused. Others wanted a more extensive list to show the existing framework within which the new instruments were being adopted. For example, mention was made of the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and ILO Conventions — particularly the Convention on forced labour but also those on freedom of association and the right to organize, discrimination in employment, equal remuneration, freedom of association, labour inspection, and human resources development. Several replies emphasized the need to avoid duplication or inconsistencies with existing instruments, while others said the Preamble should state the purpose of the new instruments and not mention instruments which went beyond their scope.

Finally, Question 5 concerned relevant activities of the United Nations and the need for inter-agency cooperation and coordination. There was a difference of opinion on the need for this provision. Some reiterated that the Preamble should be kept short and focused and that reference to the most important instruments was therefore sufficient. Others thought that a reference of this nature would raise awareness of such efforts and ensure consistency of action. Some replies suggested that specific actions or programmes should be mentioned, while still others thought that such a provision might be appropriate in the Recommendation.

In view of the comments on these questions, the Office has opted for a short Preamble and has drafted four points (*Points 3-6*) which recall the most relevant and specific international instruments and state the purpose of the new instruments. First, the Preamble notes that the Minimum Age Convention and Recommendation, 1973, are the fundamental ILO instruments for the abolition of child labour (*Point 3*). This is a statement of fact and reiterates ILO policy. Mention of these instruments in the Preamble neither incorporates their provisions nor dilutes the objective of the total abolition of child labour; second, the specific purpose of the proposed new instruments has been put in a separate point (*Point 4*), i.e. the immediate suppression of extreme forms of child labour as the priority of national and international action for the abolition of child labour; and third, the Convention on the Rights of the Child is recalled because it is specific to children, contains several provisions concerning protection against extreme forms of child labour, and has been widely ratified (*Point 5*). Finally, the Proposed Conclusions recall that other international instruments are relevant to certain extreme forms of child labour, in particular those related to forced labour — the ILO Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slaves, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) (*Point 6*). The latter is a useful reference for purposes of definition and contains a specific provision on those under age 18 (Article 1). The

Forced Labour Convention covers all persons, including children, and is applied to extreme forms of child labour such as children in bondage and their exploitation in prostitution and pornography.

The reference to other activities in Question 5 has not been retained in the Proposed Conclusions in order to retain a short Preamble focused on the aims of the new instruments and the most relevant international instruments. The ILO participates in the United Nations human rights supervisory activities and aims at improving coordination among the human rights bodies of the United Nations system. In the particular case of the Convention on the Rights of the Child, the International Labour Office regularly sends information relating to the application of the relevant provisions of the instrument to the pre-sessional working group of the Committee on the Rights of the Child, which examines the reports of States parties concerning the application of the Convention.

Qu. 4 *Should the Preamble note the provisions of the United Nations Convention on the Rights of the Child and other relevant United Nations instruments?*

Total number of replies: 108.

Affirmative: 103. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Romania, Singapore.

Other: 3. Canada, Mexico, New Zealand.

Australia. The Convention on the Rights of the Child is well supported by the international community and recognizes the right of children to be protected from economic exploitation and hazardous work as well as other activities prejudicial to their welfare such as sexual exploitation. However, other relevant United Nations instruments do not have such strong support from the international community and, although children are covered by their terms, they are not specifically directed at the protection of children. It may therefore be less appropriate that these be noted in the Preamble.

Austria. Add references to the International Covenant on Civil and Political Rights (1966), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and to the European Convention on Human Rights.

Belarus. Ministry of Social Protection: Refer to the Convention on the Rights of the Child and to the activities of UNICEF.

Canada. The Preamble could note the provisions of the Convention on the Rights of the Child but perhaps avoid references to other United Nations instruments to keep the Preamble simple and focused.

CEC: (Questions 4 and 5) Yes, reference should be made to United Nations instruments and activities. In addition, other United Nations organizations, such as UNICEF and UNESCO, should participate in formulating the instruments.

Colombia. DTT: Yes, provided that it is consistent with the real possibilities of Latin American countries to initiate the process of cultural change. In the long term, such change is more likely to alter traditional adult perceptions of child labour than peremptory standards that prove to be ineffective in reality, undermining the valuable proposals which are the core of the Convention.

Croatia. It should also refer to the Conventions concerning night work of young persons.

Czech Republic. Yes, provided that ratification of this instrument does not imply an obligation to adhere to the Convention on the Rights of the Child or other United Nations Conventions.

Denmark. Relevant references should be included, in particular, references to ILO Convention No. 138, Recommendation No. 146 and Convention No. 29.

LO/FTF: Both organizations endorse the Government's suggestions but feel that reference should also be made to the Convention on the Rights of the Child and to general trade union and human rights.

Egypt. Yes, to consolidate and unify concepts concerning the care provided to children by the international community.

El Salvador. In practice, the instruments are related and should complement each other, setting a more extensive theoretical framework.

Estonia. CEIE: No.

Ethiopia. Yes, because the Convention on the Rights of the Child has incorporated a provision on child labour.

Finland. These are key documents, whose subjects and aims are similar to those of the proposed new ILO instruments. The Convention on the Rights of the Child has been ratified by almost all nations and is a good frame of reference. The Preamble should provide a comprehensive list of international Conventions, Recommendations and action programmes aimed at ending and preventing abusive child labour. This would emphasize the link between the new Convention and existing instruments, enabling consistency and coordination.

Gabon. (Questions 4 and 5) Yes, as the Preamble would summarize what has already been done for children.

Gabonese Trade Union Confederation (COSYGA): Yes, for better coordination of the instruments that deal with the rights of children.

Ghana. Including these references would emphasize that the issue of children's rights is not an exclusive concern of the ILO, but also the concern of the United Nations.

Greece. Yes, the Convention on the Rights of the Child is a comprehensive instrument.

Guatemala. Yes, because it provides comprehensive protection during childhood and adolescence.

FESEBS: Yes, because of the support for children provided by other institutions.

CUSG: Yes, because the instruments cited are the basis for adopting new standards.

Honduras. CCIT: No. The United Nations has a generalized concept of child labour and therefore does not distinguish between those societies which need it and those which do not.

Italy. The Preamble should refer to ILO Conventions and the activities of United Nations bodies as well as to the activities of other intergovernmental organizations and indicate the methods of effective collaboration. It would also be appropriate to refer to the conclusions of the Amsterdam Child Labour Conference as well as to ILO resolutions on the subject.

CGIL, CISL, UIL: The Preamble should expressly refer to fundamental ILO Conventions.

Jamaica. JCTU: This would give wider support and credence to new instruments.

Kenya. COTU: Yes, becuse any action on behalf of children is in their best interests.

Lebanon. Yes, provided that member States are not obliged to ratify such instruments.

Mauritius. Mauritius Confederation of Workers (CMT): Yes, to avoid any conflict with the United Nations Conventions.

Mexico. The provisions in international instruments on childhood could be briefly noted. References to other United Nations instruments should not be numerous or extensive, as a brief and direct Preamble could express adequately the objectives of the instrument. Since not all member States have subscribed to all the relevant international instruments, references to them might hinder the coordination and acceptance of a new instrument.

Morocco. Yes, because of the positive effects of the Convention on the Rights of the Child on the improvement of the situation of children and because it provides the overall framework for national policies on the care of children, including the elimination of child labour.

Namibia. Yes, to consolidate all instruments available in the fight against child labour.

Netherlands. Federation of Netherlands' Industry and Employers (VNO-NCW): Governments should be urged to implement the named instruments.

New Zealand. Yes, if the intention is to raise awareness of relevant United Nations instruments. However, while it is desirable that the proposed new instrument be consistent with others, overlap and duplication should be avoided. The ILO should examine how, within its own mandate, it can add value to existing instruments.

NZCTU: Yes. It is important that the Preamble note these provisions.

Oman. Chamber of Commerce and Industry of Oman: Yes.

Pakistan. Such a reference might strengthen the justification for the new instrument.

Peru. Yes, because these international instruments provide a legal framework for children's rights.

Philippines. The instrument should be consistent with the provisions of the Convention on the Rights of the Child.

Portugal. Yes. The Convention on the Rights of the Child is the most comprehensive instrument on the matter. It aims at defending a series of children's rights, including protection against economic exploitation and work in hazardous occupations. It also refers expressly to the extreme forms of child labour that should be contemplated in new instruments. The Preamble could also refer to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights.

CGTP-IN: Yes. The ILO is not the only international organization involved in child labour; it is therefore relevant to underline the other international instruments that protect children.

Qatar. The suppression of child labour relates to other issues addressed by the Convention on the Rights of the Child and the Declaration and Programme of Action, adopted by the World Summit for Social Development at Copenhagen in 1995.

Romania. Confederation of Romanian Democratic Trade Unions (CSDR): Yes.

Russian Federation. The Convention on the Rights of the Child is the central international instrument requiring protection of children's rights.

Slovakia. Yes, the Convention on the Rights of the Child lays down many children's rights and should be included in the Preamble.

Slovenia. Particularly Article 32 of the Convention on the Rights of the Child.

South Africa. The Preamble should also note other ILO Conventions and Recommendations.

BSA: Yes. The success of efforts to address the child labour problem may depend on the coordination of all the various international instruments.

Spain. Yes, to reinforce international cooperation.

Sudan. Yes, except those related to criminal offences and education.

Sweden. Because of the importance of the Convention of the Rights of the Child, particular Articles could be listed, such as Articles 28 (right to education), 32 (right to protection from economic exploitation and hazardous work) and 34 (right to protection from sexual exploitation). Perhaps reference could also be made to the following ILO Conventions: Convention No. 29, the Abolition of Forced Labour Convention, 1957 (No. 105), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Equal Remuneration Convention, 1951 (No. 100), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Labour Inspection Convention, 1947 (No. 81) and Human Resources Development Convention, 1975 (No. 142).

Switzerland. (Question 4 and 5) An integrated approach seems to be essential.

UPS: No. A reference to another instrument might raise difficulties of interpretation and could create a legal barrier to ratification for certain countries. Some countries which do not ratify ILO core standards for purely legal reasons still respect their principles.

Thailand. The references in the Preamble should be in line with the ILO's consolidation of principles.

Turkey. TÜRK-IS: Yes, to highlight that new instruments would add a new dimension to child protection activities and rights for working children.

United Kingdom. All instruments relating to the elimination of extreme forms of child labour should be linked and inter-related to give maximum effect and impact.

TUC: Yes. See comments under Question 1. It should also refer explicitly to the United Nations Supplementary Convention on the Abolition of Slavery (1956), which deals with children under 18 working away from their parental home.

United States. The Preamble could refer to the provisions of the Convention on the Rights of the Child and other relevant United Nations instruments, but should not promote ratification of those instruments, or suggest that they are binding upon non-ratifying States. Provisions of the new instrument should be compatible with the corresponding child labour provisions of the Convention on the Rights of the Child to avoid competing standards.

USCIB: No. The Preamble should address the purposes of the new Convention, not United Nations instruments which address matters beyond the scope of the Convention. They should be referred to only in the Preamble to the Recommendation. The Preamble could refer to Convention No. 29.

AFL-CIO: Yes. As long as the minimum age provisions in Convention No. 138 are not abridged.

Venezuela. INAM: Yes, since they would reinforce the guidelines in the proposed Recommendation.

SENIFA: The reference to the Convention on the Rights of the Child is necessary because of the change in the theoretical framework of child protection. This is particularly important for Venezuela which still allows for the possibility of child labour provided this is authorized by a special legal body despite ratification of the Convention on the Rights of the Child. Reference to legal instruments aimed at guaranteeing human rights would be useful. It should also

be reaffirmed that child workers have special needs, as well as the same civil, economic and social rights as adults.

Yemen. There is a link between the Convention on the Rights of the Child and other relevant instruments.

FCCI: No. The United Nations Convention is well known to everyone.

FWV: Yes, because of the correlation between the rights of the child and child labour.

See the comments under Question 3.

Qu. 5 *Should the Preamble refer to the activities carried out by the organs and specialized agencies of the United Nations and other intergovernmental organizations, such as those concerned with offences against children, and to the need for interagency cooperation and coordination?*

Total number of replies: 105.

Affirmative: 92. Armenia, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Yemen, Zimbabwe.

Negative: 11. Bahamas, Croatia, Ghana, Honduras, India, Indonesia, Republic of Korea, Romania, Singapore, Uruguay, Venezuela.

Other: 2. Mexico, New Zealand.

Algeria. UNEP: Yes.

CGOEA: Yes.

Argentina. Add a reference to a wider scope of activities than just those concerned with offences against children to enrich the Convention and increase its effectiveness.

Belarus. Ministry of Social Protection: First of all refer to UNICEF.

Belarussian Confederation of Industrialists and Entrepreneurs (BKPP): No.

Belgium. The Preamble should stress the need for collaboration between the ILO and other organizations of the United Nations system in areas not only connected with the repercussions of child labour and the need for economic support, educational measures but also in relation to measures to take against adults involved in reprehensible situations.

Benin. National Confederation of Workers' Trade Unions of Benin (UNSTB): The Preamble of the ILO Constitution views the protection of children as essential to ensure social justice and universal peace.

Brazil. General Confederation of Workers (CGT): No. A reference to Convention No. 138 is sufficient.

Canada. Yes, without necessarily listing the agencies. If there is a reference, add: "while recognizing the need to ensure consistency and avoid counter-productive duplication with other international instruments and bodies".

Colombia. DTT: Yes, to harmonize interinstitutional and intergovernmental efforts to define the populations involved and measures required, which are commensurate with the society's ability to take action.

Croatia. Such a reference should be made in the Recommendation, not the Convention. The Preamble should only refer in general terms to the efforts made by the entire international community to eliminate child labour and provide protection of the rights of the child.

Cuba. Yes, specifying the nature of the interagency cooperation and collaboration.

Czech Republic. Yes, but only in general terms.
Confederation of Employers' Unions and Confederation of Culture and Arts: No.

Denmark. LO/FTF: Reference should be made to ILO's IPEC programme which would ensure that workers and employers play an active role in the future.

Egypt. Yes, to show the extent and role of international participation in combating offences against children and because of the importance of interagency cooperation and coordination.

El Salvador. There must be a specific reference to the problem of work involving children and young people.

Estonia. CEIE: No.

Ethiopia. Yes, because the lack of cooperation among concerned bodies is a common problem.

Finland. Yes; however, the aim of increased and efficient interagency cooperation and coordination is worth declaring in the Convention.

Ghana. This is unnecessary and could make the Preamble too unwieldy and confusing.

Greece. Yes. Reference should be made to those organizations as they have considerable experience in this area. Cooperation among them is necessary for planning effective child labour policy.

Guatemala. Yes, because uniform action will ensure that efforts to eradicate high risk child labour are effective.
FESEBS: Yes, to increase the level of awareness.
CUSG: Yes, for the future development of rules regarding cooperation and coordination.

Honduras. No. They should be mentioned in the body of the instruments.
COHEP: Yes. Offences could arise due to other circumstances and not just because of violations of labour standards.
Confederation of Workers of Honduras (CTH) and Central Federation of Free Trade Unions of Workers of Honduras (FECESITLIH): Yes.
CCIT: No. These bodies protect and support the rights of children.

Indonesia. It should be made clear that the ILO is the main organization dealing with child labour, while other organizations provide support.

Iraq. General Federation of Trade Unions: Activities of these agencies should not be inconsistent.

Ireland. ICTU: Yes. This reinforces the need for an integrated and coordinated response.

Italy. To enhance the effect of the Convention there should be an express reference to cooperation between the ILO, specialized agencies of the United Nations and other intergov-

ernmental organizations, as well as to a commitment to development cooperation. There should also be a reference to cooperation between international bodies and member States for the collection of statistical data by sex, age, and sector, to define priority areas of action at the national and international levels. The Preamble should refer to the rights of children, in particular the rights to education and leisure, which are essential to the healthy development of children's personalities.

CGIL, CISL, UIL: No. The Convention should contain a specific provision on technical cooperation between the ILO, the other specialized agencies of the United Nations and intergovernmental organizations, to make the implementation of the Convention more effective.

Jordan. Federation of Jordanian Chambers of Commerce (CFJCC): Yes, to reflect the seriousness of the matter and the wide range of efforts.

Kenya. COTU: Yes, to emphasise that child labour is a social injustice which should be eliminated from civilized society.

Republic of Korea. Korea Employers' Federation (KEF) and (FKTU): Yes.

Lebanon. Provided such activities are related to the new instrument.

Mauritius. FCSU: Yes. The contribution of all organs, agencies, NGOs and others in the fight against child labour is important.

Mexico. Mention of these organizations would cast light on efforts taken to combat criminal conduct against children. However, care must be taken not to undermine the concepts developed in Question 7 or to lose sight of the objective of the proposed Recommendation. Interorganizational cooperation and collaboration must be enhanced.

Morocco. Yes, to design integrated cooperation programmes to assist countries where child labour is widespread and to provide the necessary means to combat it. The Preamble should also state that standard-setting activity on child labour would be useless if not accompanied by technical cooperation among and between States and the specialized international organizations.

Namibia. Yes, if it is possible to give a detailed list.

Netherlands. VNO-NCW: Yes, it should emphasize the need for improved cooperation.

New Zealand. NZEF: No. Cooperation will be necessary, but it should occur in respect to technical assistance. Reference to these agencies in a Preamble is not needed.
NZCTU: Yes. Interagency cooperation and coordination should be encouraged.

Nicaragua. It should be specified that there are agencies currently carrying out programmes to eliminate labour of young children.

Oman. Chamber of Commerce and Industry of Oman (CCIO): Yes, to use the experience of other Members through cooperation and coordination and highlight the role of the United Nations system in implementation.

Pakistan. Assistance from United Nations agencies and interagency cooperation would facilitate the eradication of child labour.

Portugal. CGTP-IN: Yes. Because of the extent of child labour worldwide, it is indispensable that all international organizations join forces in the battle for its elimination.

Romania. CSDR: Yes.

San Marino. NGOs should be given observer status.

Slovakia. Yes, but only in a general way.

Slovenia. Cooperation between ILO, UNICEF, UNESCO, UNHCR and WHO is necessary.

South Africa. This should be mentioned but not necessarily in the Preamble.
BSA: Yes, however, it will be necessary to qualify these activities.

Spain. UGT: Cooperation and coordination should be a priority.

Switzerland. UPS: Reference should only be made to the work of the organizations that share the same concern; if necessary, the issue of cooperation and coordination between the organizations, may be involved at the end.

Thailand. Yes. Cooperation and coordination from all concerned is needed to fight child labour.

Turkey. TÜRK-IS: Yes, a number of institutions struggle against child labour, thus inter-agency cooperation would increase the chances of success.

Ukraine. Efforts should be concentrated on regions with high unemployment, low standards of living and low levels of education.

United States. Yes, but it should be carefully drafted so as not to imply the subordination of a state's sovereignty to any international body.

USCIB: No. It is too vague and may encompass activities beyond the scope of the proposed Convention. It may therefore compromise the impact of a targeted and focused elimination of the worst forms of child labour. The programmes, if cited at all, should be referred to in the Recommendation.

Uruguay. Workers: Yes.

Venezuela. INAM: No, labour should not be linked with offences against children as this could create a negative conception of labour.

SENIFA: Yes. The reference would serve to publicize these activities. It would also allow trade unions, employers and NGOs to access the services provided by these bodies.

Department of Education: Yes.

Confederation of Venezuelan Workers (CTV): Yes. States should be made aware of the work carried out by the United Nations and NGOs. Cooperation between these bodies is needed to maximise their effectiveness.

Yemen. Yes, to give more emphasis to the subject.

See the comments under Question 3.

III. Content of a Convention

Should the Convention apply to all children under the age of 18, consistent with other relevant international instruments? **Qu. 6**

Total number of replies: 105.

Affirmative: 83. Algeria, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Canada, Chad, Chile, China, Colombia, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United

Republic of Tanzania, Thailand, Tunisia, Uganda, Ukraine, United Kingdom, United States, Uruguay, Yemen, Zimbabwe.

Negative: 15. Armenia, Bahrain, Cameroon, Cape Verde, Dominican Republic, Eritrea, Haiti, Republic of Korea, Malaysia, New Zealand, Peru, Singapore, Slovakia, Slovenia, Turkey.

Other: 7. Costa Rica, Cuba, Egypt, India, Indonesia, Mexico, Venezuela.

Algeria. UNEP: No.

Argentina. Yes, in principle, but following the methodology of Convention No. 138.

Australia. Age limits should be sufficiently flexible to accommodate national practices not considered exploitative. The countries that have not ratified Convention No. 138 find it too prescriptive in limiting employment activity. This should be avoided in the proposed new Convention. The Convention on the Rights of the Child stipulates 18 years, except where the age of majority is reached earlier.

ACTU: Yes, with certain exceptions concerning commercial exploitation of children and hazardous work in line with Convention No. 138. See reply to Questions 7 and 8 below.

Austria. To avoid confusion and be more transparent, replace the word "children" with "children and young persons" or "persons under age 18" and define the terms. The proposed Convention should apply equally to paid and unpaid work; regular and irregular employment; nationals and foreigners and to legitimate and illegitimate persons under 18.

Austrian Chamber of Commerce (WKÖ): No. Children up to the age of 14 or apprentices.

Belarus. Council of the Trade Union Federation: No.

Belgium. A distinction should be made between work that should be prohibited whatever the age of the worker, especially for children, such as activities in Question 7 (a) and (b) and work that should not be subject to an absolute ban, such as work below a certain age or be under specific conditions, or work that should not be prohibited or subject to particular conditions. It is necessary to make a link with existing ILO minimum age Conventions. However, problems of ratification and implementation of those Conventions are due to the fact that the age-limits in a number of countries in which many children work on account of the social and economic conditions are too high. The provisions of the new instrument should be such as to allow these countries to ratify. Also see replies to Questions 7 and 28. This provision is consistent with Article 3.1 of Convention No. 138.

CNT: The determination of a minimum age should not prevent a differentiated approach based on age group, in particular in the framework of national programmes of action.

Benin. Yes, concerning the definition of the child in this context, but not necessarily to prevent children above age 15 from working.

UNSTB: Yes, regardless of the political regime of the country.

Brazil. Yes. International legislation has already adopted this age as a parameter.

CNC: No. It should only apply to children under the age of 14.

CGT: Yes. This would protect both children and adolescents from extreme forms of child labour.

Cameroon. It should apply to children under 15 years of age, since the national law of most countries permits children to work under certain conditions as from 16 years of age.

Canada. Yes, given the Convention is concerned with the most intolerable forms of child labour it would be appropriate to set the highest limit possible — 18 years of age. However, reference should be made to "human beings" rather than to children. It is also consistent with the terminology of the Convention on the Rights of the Child. The term "consistent with other relevant international instruments" should be deleted because there are often exceptions in

other instruments. The Convention on the Rights of the Child, for example, uses age 18 unless the age of majority is attained earlier under applicable law.

CEC: The new Convention must be sensitive to cultural, economic and other diversity. Whether age 18 is appropriate depends on the final provisions of the instruments. This Convention should be part of a set of core instruments; therefore blanket statements about coverage should be avoided. While no age is acceptable for children in hazardous and illegal activities, some flexibility is needed so countries can set age limits appropriate to their circumstances. This would increase the likelihood of active cooperation in implementing and enforcing the provisions of the Convention.

Cape Verde. The Convention should provide exemptions for children between age 16 and 18.

ACS: Yes.

Colombia. DTT: Take into account differentials provided by national legislation for each age range, especially between children under age 12 and those aged 13 to 17.

National Association of Manufacturers (ANDI): Yes, subject to the exceptions provided for by national law.

Croatia. The Convention should contain the definition of "child" in the Convention on the Rights of the Child. If the wording remains, it could be understood that persons over 18 are also children, but the Convention would not apply to them.

Cuba. Consider national law with minimum age of 17 and exceptions for children who have special protection or are in vocational schools.

Czech Republic. Yes, but explicitly apply the definition of "child" in the Convention on the Rights of the Child.

Association of Building Entrepreneurs of the Czech Republic (ABE CR): Yes, the Convention should also apply to children under age 16.

CEU: Yes, but the Convention should provide an exemption for persons from 16 to 18 years.

Denmark. LO/FTF: Reference should be made to Article 3 of Convention No. 138.

Dominican Republic. No, national law establishes 16 as the minimum age.

Egypt. The Convention should apply to children under the age of 15 for extreme forms of child labour and the most dangerous jobs, in accordance with national legislation.

El Salvador. The new instrument should apply to children under 12 years of age and to high-risk groups, with no age limit below 18 years.

Eritrea. No. The instrument needs to be consistent with Convention No. 138. Developing countries will not be able to ratify it.

Estonia. CEIE: No.

Ethiopia. Yes, but a distinction needs to be made between the prohibition of work at certain ages and the authorization of light work in some cases.

Finland. An age limit of 18 is consistent with, for instance, the Convention on the Rights of the Child. However, if the Convention is to apply to all children under the age of 18 equally, the ban on child labour should be very clearly defined, covering extreme forms of abuse as in Question 7 (a)-(c). The age limit for other types of work should, however, be lower. All forms of work cannot be forbidden for children under 18, so differing age limits, like those currently in use, would therefore still be needed in a new Convention. Under-age children should have the option of doing work which is suitable for them once they have completed compulsory education. Meanwhile, provision should also be made to allow children to do some limited work even during school terms, as long as it does not interfere with their education. Young people should be able to do trainee work appropriate for their age, which does not endanger their health or mental development.

France. Age 18 is appropriate for a Convention to eliminate extreme forms of labour in contrast to the minimum age instrument concerned with those under age 15.

National Council of French Employers (CNPF): Yes. However, there is no reason why the instrument should apply in the same way to a very young child as to a teenager.

Gabon. This would prevent exemptions in cases where there is a risk of abuse.

COSYGA. Yes, to give children a complete education that will allow them to enter professional life under more favourable conditions.

Ghana. Ghana National Commission on Children (GNCC): No. Exceptions should be made in individual countries taking into account the age of completion of basic education.

Guatemala. Yes, consistent with the Convention on the Rights of the Child and the Universal Declaration of Human Rights.

CUSG: No. It should apply to children under 14 taking into account national practice.

Haiti. If the age limit is set at 18 years, the economic situation would make the Convention inapplicable.

Honduras. CCIT: Further consideration should be given to the maximum age at which a person is considered to be a child and to the high rate of delinquency amongst minors between 15 and 18 years.

COHEP: No. This could create social problems. Child labour should be regulated, not prohibited.

India. The provision should be flexible and consider the stage of development of the economy. A slightly lower age should be stipulated for developing countries whose economy and educational facilities are insufficiently developed.

Indonesia. As provided in Convention No. 138.

Ireland. ICTU: Yes, subject to certain exceptions concerning sexual exploitation or hazardous work where special additional protection is needed.

Italy. A single set of provisions should be established on age, because of the differences in national and international standards.

CGIL, CISL, UIL: There should be a reference to Article 3 (1) of Convention No. 138.

Jamaica. Jamaica Employers' Federation (JEF): Include the phrase "and young persons", so that the Convention would apply to "all children and young persons under the age of 18".This would be consistent with the language used in Article 3 (1) of Convention No. 138 and would avoid conflicting with national laws that might define a child differently.

JCTU: The Convention should be in line with Convention No. 138 and Recommendation No. 146, which deal with the conditions under which hazardous work may be performed by persons under the age of 18.

Japan. Yes, although the meaning of "consistent with other relevant international instruments" is unclear and the relationship of this provision to the definitions in Question 7 should be determined before the definitions are finalized.

Kenya. COTU: Yes. The Convention of the Rights of the Child, which has been widely ratified uses age 18 as the benchmark.

Republic of Korea. The age limit should be 15 years, consistent with Korea's minimum age.

KEF: The Convention should apply to children under the age of 15 to maintain the effectiveness of the Convention.

FKTU: Yes.

Kuwait. Child labour may be prohibited for children under the age of 18 for work that involves a certain degree of danger. However, the age of 15 is appropriate for developing countries where educational facilities are inadequate to provide education for all children.

Lebanon. This should be determined by national laws.

Malaysia. The minimum age should be specified in national law on condition that health, safety and morals are fully protected.

Mauritius. CMT: No, in many developing countries a child's income is important to the family.

FCSU: No. The minimum age for working should be 16, provided the work performed is light and the working environment is conducive to the child's proper development.

Mexico. Some activities are criminal offences. Determining a general minimum age could be interpreted as allowing illegal activities over the age of 18.

Mongolia. MEA: No. The age limit should depend upon the type of industry.

Morocco. Yes, to ensure harmony among all international standards which combat the exploitation of children. However, the content of Questions 6-10 should be included in a Recommendation.

Namibia. Yes, because children are more vulnerable and unable to defend themselves against exploitation.

Office of the Labour Commissioner: No. The applicability of the Convention should depend on the minimum age limit in a given country.

Netherlands. Provided the Convention applies only to extreme forms of labour as listed in Question 7 (a)-(c).

Netherlands Trade Union Confederation (FNV): Yes, thereby adding significantly to the protection provided by existing relevant international instruments, in particular ILO Conventions Nos. 29 and 138.

New Zealand. Not all other relevant international instruments contain a single age limit in their provisions. The age of 18 is higher than the compulsory age of education in various countries; in some cultures, children under age 18 take on earning responsibilities at an early age and may even start their own families. There needs to be a more flexible approach to take account of national differences.

NZEF: This provision is inflexible and not consistent with many national realities, where the school-leaving age is 16 and many young people between 16 and 18 years of age work full time.

Nicaragua. Yes, but with exceptions depending on different economies and means of education. In principle, the minimum age should not be less than the age at which compulsory schooling ends.

Oman. Chamber of Commerce and Industry of Oman: Yes. This will enable children to receive their right to an education.

Peru. The Convention should only refer to child labour, and should not include adolescents.

Poland. Solidarnosc: Priority for persons under age 18 should be on education and upbringing, including preparation for future employment.

Portugal. Yes, for the most extreme forms of child labour. However, member States could adopt a lower age as a minimum for admission to work.

Russian Federation. The Convention on the Rights of the Child applies to all children up to the age of 18, unless under national law they attain their legal majority earlier.

Slovakia. The Convention should apply to all children who have not completed basic schooling. It should also define the terms "child", "young people" and "juvenile".

Slovenia. Because a number of children leave school after primary school at the age of 15 or 16, the prohibition of child labour should be applied to children under the age of 15. Children between 15 and 18 could enjoy special protection; for example, there could be provisions

banning night and overtime work, providing for a longer annual holiday, limiting working time and guaranteeing 12 hours a day of rest.

South Africa. BSA: No. Age 18 is too high because compulsory schooling is not a realistic option worldwide up to age 18. If the Convention prohibits any form of employment, many teenagers up to 18 would be idle and not able to earn an income. More realistic cut-off ages would be: below 12, prohibition of all forms of labour; 12-15, prohibition of extreme forms and regulation of other forms of child labour, the idea being that children over 12 could earn pocket money and contribute modestly to the family income; 15-18, prohibition of all extreme forms but no regulation of other forms of child labour.

Spain. There should be regulations for hazardous, unsafe or night work for those aged 15-18.

UGT: No. The Convention should apply to children under the age of 16, in accordance with national laws governing compulsory education.

Sri Lanka. Ceylon Workers' Congress (CWC): A blanket definition of child labour below 18 years of age would pose a problem for developing countries as well as trade unions in those countries.

Sweden. Yes. The definition of child should be consistent with the Convention on the Rights of the Child and Convention No. 138, which is age 18.

Switzerland. Age 18 should apply. This would be consistent with the Convention on the Rights of the Child which is the most widely accepted binding human rights instrument. A lower age limit would risk incompatibility with Article 32 (1) of that Convention. See comments under Question 7.

CSC/CNG: Yes, but also see Questions 7 and 8. This conforms with provisions of Convention No. 138 on dangerous work.

USS/SGB: Yes, but see Questions 7 and 8.

Federation of Swiss Salaried Employee's Associations (VSA): Yes. Age 18 seems appropriate for extreme forms of child labour.

Turkey. No. Different age limits should apply depending on the type of work or occupation.

TÜRK-IS: No. In view of the situation in developing countries, age 15 would be more realistic with separate provisions applying to young persons from 15 to 18 years of age.

TEKSIF: Yes.

Uganda. To reinforce other relevant international instruments, it is appropriate that the instrument should apply to all children under the age of 18, which is the internationally accepted upper age limit in defining children.

Ukraine. Yes. The Convention should specify the interests and rights of working and non-working children of different age groups, because the problems of illegal employment of children are relevant both to adolescents (16-18 years of age) and to children (8-14 years of age).

United Kingdom. The Convention should apply to all children up to the age of 18 involved in hazardous work and other intolerable forms of child labour, but not to those children involved in non-hazardous professions.

TUC: Yes, in line with Convention No. 138, with certain strictly defined exceptions where the young persons concerned are fully protected.

United States. While the Convention probably needs to define an age below which exploitative child labour must be prohibited, the emphasis of the Convention should be on the types of work that are intolerable at any age.

USCIB: No. Convention No. 138 addresses those aspects of child labour that relate to age. The proposed Convention should address egregious forms of child labour regardless of age. Drawing the line at 18 is problematic in that many states in the United States consider children to be adults at age 16.

AFL-CIO: Yes, consistent with existing provisions of Convention No. 138.

Venezuela. INAM: If the Convention is about the suppression of child labour, it should only apply to children up to the age of 12. If the Convention is about the suppression of exploitative labour then it should apply to persons up to the age of 18.

SENIFA: The Convention should distinguish between child and adolescent labour and determine an age limit for each. While extreme and hazardous forms of adolescent labour should be prohibited, it is important to take into account people living in poverty. Convention No. 138 was welcomed, which allows the setting of the general minimum age for employment at 14 years.

Department of Education: Yes.

CTV: Yes.

Yemen. FWU: No, not necessarily, provided the age is not less than 16.

The majority opinion is that extreme forms of child labour should be prohibited to for all persons under age 18. In drafting the Proposed Conclusions, proposals for alternative wording to "children under the age of 18" such as "and young persons" or "persons" have been taken into account; consequently, the term "child" applies to all "persons" under the age of 18 (*Point 7*).

The phrase "consistent with other relevant international instruments" is no longer necessary and has not been included in the Proposed Conclusions. In the questionnaire, it is explained why age 18 had been selected. For example, Convention No. 138 prohibits work for those under age 18 which is likely to jeopardize the health, safety or morals of young persons; there would therefore be no justification to lower that age in a new instrument designed specifically to put an end to extreme forms of child labour. As pointed out in some replies, the Convention on the Rights of the Child defines children as those under age 18 "unless under the law applicable to the child, majority is attained earlier". However, concerning Article 32 on the economic exploitation of children, for example, reference is made to relevant international instruments so that these might serve as a guide for setting a minimum age or minimum ages for admission to employment. The relevant ILO instrument is Convention No. 138, which sets the age at 18 for hazardous work. The 1956 Supplementary Convention on the Abolition of Slavery also specifically refers to institutions or practices considered similar to slavery for a child or young person under the age of 18 years.

It might also be useful to note that setting the age at 18 does not automatically imply that any work or activity mentioned in the instruments is suitable or should be allowed for those over 18, or indeed for any person, but rather reflects the focus of these instruments on children. Some countries, in fact, prohibit certain types of work up to age 21. Further, the ILO Constitution provides that "In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation" (Article 19.8).

Qu. 7 *Should the Convention provide that each ratifying Member should suppress immediately all extreme forms of child labour including:*

(a) all forms of slavery or practices similar to slavery, sale and trafficking of children, forced or compulsory labour including debt bondage and serfdom?

(b) the use, engagement or offering of a child for prostitution, production of pornography or pornographic performances, production of or trafficking in drugs or other illegal activities?

(c) the use or engagement of children in any type of work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety, or morals?

Total number of replies: 104.

Affirmative: 93. Algeria, Argentina, Armenia, Austria, Bahamas, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 5. Australia, Bahrain, Eritrea, Slovenia, Thailand.

Other: 6. Canada, Cuba, Fiji, Mexico, New Zealand, Philippines.

Subparagraph (a):

Total number of replies: 104.

Affirmative: 102. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Slovenia.

Other: 1. Mexico.

Subparagraph (b):

Total number of replies: 104.

Affirmative: 99. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Slovenia.

Other: 4. Canada, Mexico, New Zealand, Switzerland.

Subparagraph (c):

Total number of replies: 104.

Affirmative: 95. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Slovenia.

Other: 8. Belgium, Canada, Mexico, Morocco, New Zealand, Philippines, Switzerland, United States.

Argentina. (a) The Convention should include mechanisms to realize abolition in practice.

Australia. A requirement of immediacy could be a barrier to ratification. The Convention should be promotional in nature by providing that ratifying Members should immediately develop and implement a policy aimed at the suppression of extreme forms of child labour.

ACTU: (c) Add "education". Provisions in Questions 13 and 14 of the Recommendation should be combined with this subparagraph and be in the Convention. [1] New (d): An additional

[1] With the changes proposed under Questions 13 and 14, subparagraph (c) would include the following: "The use or engagement of children in any type of work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety, education or morals. The determination of these types of work shall: (i) be made in consultation with the organizations of employers and workers

provision should be included: "the use or engagement for commercial purposes of children under the age of 15 years, or, in consultation with the organizations of workers and employers concerned, 14 years for a Member whose economy and educational facilities are insufficiently developed. Each Member which has specified a minimum age of 14 years in pursuance of this paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the ILO Constitution a statement: (i) that its reason for doing so subsists; or (ii) that it renounces its right to avail itself of the provisions in question as from a stated date".

Belgium. "Immediately" could imply the submission to the ILO for approval of a governmental programme. (a) and (b) The activities listed in these subparagraphs should be prohibited for children. (c) No, unless amended. Types of work that are dangerous for the health, safety or morals of children should either be prohibited or subject to particular conditions if such conditions are able to eliminate the danger.

CNT: (a) The provision in Question 14 (a) should be combined with this one in the Convention. (c) Yes. Add a provision calling for the elimination of the use of children in any type of work which, due to its nature or the conditions under which it is performed, is likely to jeopardize their education, at least up to the statutory age of compulsory education. Compulsory education and minimum age laws reinforce each other, each contributing to the application of the other.

Benin. UNSTB: Progressive suppression of all extreme forms of child labour.

Brazil. The ratification of the new Convention should be linked to the political will to eliminate this form of exploitation.

Canada. (a)-(c) Elements of subparagraph (c) should be revised and brought into the main paragraph since subparagraphs (a) and (b) can be considered subsets of (c) which defines extreme forms of child labour. The point should provide that ratifying Members "should suppress and prohibit immediately the most intolerable forms of child labour, i.e. the use or engagement of children in any type of work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize their physical and psychological health, safety or morals, regardless of cultural and social practices, in particular". (a) Yes, provided that sale and trafficking of children does not cover other issues such as adoption. (b) Yes, if the envisaged Convention contributes to the eradication of these practices and is complementary, not duplicative, of the draft optional protocol to the Convention on the Rights of the Child. Criminal practices should not be seen as legitimate work. (c) This should allow national authorities flexibility and the classification of dangerous work should be based on an expert assessment of the physical and mental abilities of groups of children. Examples of potentially hazardous work could be contained in an Annex to the Convention and/or Recommendation. However, it should be clear that social and cultural practices should not be taken into consideration when national authorities identify what type of work would be hazardous. The revised provision should read as follows: "Other situations which involve hazardous work performed by human beings less than 18 years of age that have been classified, by the national authorities, as dangerous to these human beings under this provision, taking into consideration: (a) the physical and mental abilities of human beings belonging to this age group (or sub-groups), and (b) the examples of possibly hazardous work contained in the Annex to the Convention and/or Recommendation".

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concerned, and, to the extent possible, with experts such as medical, child development, and occupational health and safety professionals; (ii) take full account of relevant international labour standards; (iii) take full account of the physical, psychosocial and educational development of the child; (iv) be examined periodically and revised as necessary. The Convention shall provide that these types of work shall include, among others, work: (i) which exposes children to physical, emotional or sexual abuse; (ii) which is done underground, under water and at dangerous heights; (iii) with dangerous machinery, equipment or tools; (iv) in an unhealthy environment which may, for example, involve exposure to hazardous substances, agents or processes, or to high temperatures, noise levels and vibrations; (v) which is done under particularly difficult conditions such as for long hours, during the night, or without the possibility of returning home each day; (vi) work which exposes those performing it to significant risk of illness or injury".

CEC: The activities in (a) and (b) are generally illegal, while work in (c) might not be and thus there should be different and sensitive treatment of the types of work to which 7 (c) would apply. As virtually all work has some risks, 7 (c) could prevent children from engaging in any form of work. The Convention should provide some guidance on the evaluation of elements such as the degree of exposure, the presence of protective measures, and the likelihood and extent of potential harm to children.

CNTU: (a)-(c) Yes.

Colombia. DTT: (a)-(c) The Convention should explicitly provide that such activities do not constitute work, but constitute forms of exploitation, abuse and mistreatment. These activities should clearly be separated from work that is legally regulated and permitted by national law for children from 12 to 17 years of age.

Croatia. The Convention should include the prohibition or elimination of all forms of child labour, especially the absolute prohibition of these extreme forms of child labour.

Cuba. To avoid overlap, the Convention should take into account the provisions of other United Nations Conventions on the same subject. The Convention should use the definition of intolerable forms of child labour contained in the resolution concerning the elimination of child labour, adopted by the 1996 International Labour Conference.

Czech Republic. Yes, but use less confrontational wording, such as "should take all necessary measures to effectively suppress".

Association of Building Entrepreneurs of the Czech Republic: (c) No.

CMK OS: (a) and (b) Yes. (c) The Convention should stipulate the procedure for determining hazardous work and should include the provisions from Questions 13 and 14 of the Recommendation. Extreme forms of child labour should include the types of work currently listed in Question 14 of the Recommendation. Add education to "health, safety or morals". New (d) Same proposal as made by ACTU under Australia.

Denmark. Yes, immediately. It is not appropriate to include a transition period as individual countries can decide for themselves whether they want to ratify the Convention. (c) Yes, but add education to "health, safety, or morals".

LO/FTF: Agree with the government and also recommend that the text in Questions 13 and 14 be transferred to this point to strengthen the substance of the Convention.

Egypt. (a) Yes, because these forms of labour are contrary to human rights Conventions and the Convention on the Rights of the Child. (b) Yes, because these violate human rights, degrade human beings, and destroy social values and societies.

El Salvador. (a) Yes, these are contrary to the spirit and philosophy of human rights. (b) Yes, with a reference to the need for rehabilitation programmes. (c) Yes. Emphasis should be placed on the fundamental nature of certain rights such as the life, health and the best interests of the child.

Eritrea. A ratifying Member should first be notified and given a limited period of time to correct infringements on child labour. Subsequently, extreme forms of child labour could be immediately suppressed. (a) and (b) Yes, because these undermine human dignity. (c) Yes, because such work hampers the growth and development of children.

Estonia. Confederation of Employer's Organizations: (a)-(c). Yes.

Fiji. In view of the fact that immediate suppression may not be possible for some States, provision should be made for progressively applying means to eradicate child labour.

Finland. The worst abuses should be dealt with immediately. Children in extremely difficult circumstances should be placed in easier circumstances. Other improvements could be introduced gradually. The new Convention should specifically provide the framework within which priorities in the fight against child labour may be set. Special attention should be given to ensuring a livelihood for families so children would not need to work and merely change

jobs when work in one sector was prevented. (c) Attention could also be given to lack of educational opportunities.

SAK, STTK and AKAVA: The proposed content is inadequate and does not add to existing provisions contained in ILO Convention No. 138, Convention No. 29 and United Nations instruments. (c) "Education" should be added. New (d) Same proposal as made by ACTU under Australia.

France. CFDT: Yes. Same proposals as made by ACTU under Australia.

Gabon. Progressive elimination of extreme forms of child labour would leave the door wide open to abuse and delay the effective implementation of the Convention. Suppression should therefore be immediate.

Germany. BDA: (c) To clarify that only the "most intolerable forms of child labour" are regulated and that different national legal provisions concerning minimum age for dangerous work are taken into account, this should be worded as follows: ". . .which by its nature, taking into account the age of the children and the circumstances in which it is carried out, is likely to unduly jeopardize. . .".

German Confederation of Trade Unions (DGB): (c) Yes, for example, in underground mining or under extremely difficult conditions, such as handling dangerous substances or working at night.

Ghana. Such forms of child labour are exploitative and inhumane and have the effect of impairing the education, health and development of the child, as well as the economic development of the nation. (b) Such activities are increasing and urgently need serious action to halt the inhumane exploitation of the victims. (c) Such types of work are exploitative and harmful to the development of the child and consequently to the nation as a whole.

GNCC: (a) Emphasis should be placed on the role of traditional practices that enslave and keep children in bondage.

Greece. Yes. The world community must take all necessary measures for the protection of the physical and mental health and morals of children.

Guatemala. Yes, to protect children in high risk situations immediately.

Haiti. Yes, however, these provisions will delay ratification by some States.

Honduras: COHEP: Yes, if the work is detrimental to a child's health and education and social and family integration. (a) and (b) These should be subject to penal sanctions.

CCIT: (a) This is a priority in the least developed countries.

Iraq. General Federation of Trade Unions: (a) The term "including" should be replaced by "in particular".

Ireland. ICTU: (a) and (b) Yes. (c) Add "education" to health, safety and morals.

Italy. The Convention should provide that each member State should adopt coherent policies, with the collaboration of the social partners, based on a quantitative assessment of the problem to eliminate child labour through the adoption of effective legislation, enforcement of compulsory education, sensitization of families, and health and educational measures to rehabilitate working children. The new Convention should provide special protection for girls in invisible forms of child labour, especially domestic service and work in sectors not subject to legislation. Girls bear a heavy and unequal burden. The differences in the situation of girls and boys need to be taken into account in assessing intolerable work. Clear regulations and supervised agreements should cover minimum age for domestic employees, the number of hours worked, remuneration, protection against physical and sexual abuse, access to health care, access to basic education, and information about and protection of workers' rights. In the case of home work, when parents provide work to a child, strategies should be explored in the light of the Convention on Home Work 1996, No. 177. In many countries, legislation excludes activities in which many children are engaged (agricultural work, family enterprises, small enterprises, domestic service). Laws should be effectively applied at workplaces where the

worst forms of work are found. There should also be a harmonization of national laws to eliminate differences in minimum ages for admission to work and the age for termination of compulsory schooling. The proposed Convention should provide for: precise machinery to guarantee the prohibition of all extreme forms of child labour, including those in this question; appropriate sanctions designed to punish offenders; and appropriate intervention measures, which could monitor and correct certain situations in a more indirect way than sanctions. Sufficient staff should be made available by the competent authorities responsible for the implementation machinery.

CGIL, CISL, UIL: (c) The ILO should draw up a preliminary non-exhaustive list of forms of work and working conditions which would violate the Convention. The Convention should give particular attention to the exploitation of young children.

. *Jamaica*. JCTU: The provisions of the proposed instrument are similar to those in other existing international laws and Conventions. Add references to educational, physical, emotional, religious and psychological abuse, as well as environmental and occupational safety and health.

Japan. (b) Yes, although the prohibition and penalization of the sale and trafficking of children and the use, engagement or offering of children for prostitution are matters which require specialized knowledge of criminal justice. These matters, including the definitions of the sale of children and child pornography, are being discussed by specialists in the working group on a Draft optional protocol to the Convention on the Rights of the Child. To coordinate with this work, and avoid unnecessary duplication and confusion, the ILO Convention should not attempt to define the terms used in this question, but should retain the general terms used in the questionnaire. (c) Clarification is needed as to whether this is the same definition as that under Article 3 (1) of Convention No 138. A decision is also needed as to whether work covered by Article 6 of Convention No. 138 would be covered by the new Convention.

Jordan. Amman Chamber of Industry (ACI): Yes, but allow a reasonable time for governments to make legislative changes.

There should be no obligation to suppress these forms of labour "immediately".

General Federation of Jordanian Trade Unions (GFJTU): The Federation agrees that the forms of labour under (a)-(c) should be suppressed but that the term "immediately" should not be used.

Kenya. COTU: Yes, because of the permanent severe adverse effects on children.

Republic of Korea. KEF: No. Too many details will hinder ratification.

Lebanon. These are the main objectives of the Convention. (c) Yes, provided that the determination of the minimum age is left to States, as indicated in Convention No. 138.

Mauritius. CMT: (a) and (b) Yes. (c) Yes, to allow growth and prevent children from entering work.

Mexico. There are several problems involved in calling for immediate suppression of child labour because of varying levels of economic development in different countries; indeed, it would be difficult to attain any results in the short term. Activities in subparagraphs (a) and (b) are underground and go beyond the ambit of labour issues, which makes immediate suppression difficult; however, those in (c) might fall within the sphere of labour issues and thus make it possible to take rapid and efficient measures to remove children from them. The introductory part of the subparagraph should require the development of legislative measures to prohibit intolerable forms of child labour and government plans and programmes for the gradual elimination of such activities. In addition, three categories of intolerable forms of child labour should be established: (i) activities that are illegal by nature, such as all forms of slavery, the sale and traffic of children, forced and compulsory labour, and the use, contracting or offering of a child for the purposes of drug production and trafficking or the performance of other illegal activities; (ii) activities that are in themselves intolerable, and that might become criminal offences, such as bondage for debt or any reason, the use, contracting or offering of a child for

prostitution, pornographic production or performances, or any other activities which jeopardize a child's morality; and (iii) activities linked to the specific nature of the work, which could include the use or contracting of a child for any occupation that involves a risk to health or safety.

Mongolia. MEA: (a) Provision should be made for the gradual suppression of extreme forms of child labour. (b) and (c) Yes.

Morocco. (c) The text should apply to those under the age of 16.

Namibia. Member States should be given a reasonable time within which to eradicate all forms of child labour. (b) These are forms of child abuse and go beyond child labour itself. (c) Any type of activity which might affect children negatively.

Netherlands. The instrument should also include the provision of adequate alternatives. (c) A non-exhaustive list of types of work should be included as an Annex, based on Questions 12-14, including all work by children under age 12.

New Zealand. (a) Yes. New specific offences should not have to be created where there is a general provision that would capture a particular activity. (b) Yes, however, to avoid ambiguity it should clearly target the clients and employers of child prostitutes rather than the children. There needs to be some flexibility concerning the age for prostitution. Many countries have a legal age of consent less than 18 years. In countries where prostitution itself is not illegal, this is a legitimate question to debate. The Convention should cover the issues of child pornography and using children to traffic drugs but the Draft optional protocol to the Convention on the Rights of the Child should also be considered. (c) The reference to "morals" is inappropriate, as there would be varying interpretations of the word due to differing cultural, religious and social values. The wording "physical and emotional well-being" should be used instead.

NZEF: (a) Agrees with the Government. However, suppression might not be the same as elimination. It could suggest that such activities would be driven underground. It would be better for governments to make such activities illegal and, where possible, to eliminate them.

NZCTU: Yes.

Nicaragua. (b) Suppress these activities and establish rehabilitation, education and training programmes.

Norway. (c) Yes, but add "or their opportunities for basic education". The provisions of Questions 13 and 14 should be transferred from the Recommendation to the Convention with proposed changes. New (d) Same proposal as made by ACTU under Australia.

Oman. Chamber of Commerce and Industry of Oman: (a), (b) and (c) Yes.

Peru. There should be immediate suppression of these forms of labour to protect the child's physical and mental integrity. (a) These forms of labour violate fundamental human rights, particularly in the case of children. (c) Special protection given to children should be taken into account, particularly the protection of their health, which is fundamental.

Philippines. The Convention should give some flexibility to developing countries which cannot eliminate child labour immediately given the poverty they face. (a) Debt bondage should be emphasized. However, it is difficult to identify practices of this nature as legal and cultural systems vary among countries. (b) Immediate action is needed and requires the full support and cooperation of all sectors concerned. (c) The Convention should cover the informal sector in so far as the working conditions in that sector are likely to jeopardize the health, safety or morals of children.

Portugal. Yes, but the instrument should provide that States should take effective steps immediately towards the elimination of all extreme forms of child labour.

CIP: The forms of labour referred to in this question are illegal and generally prohibited by other international standards or by national legislation.

CGTP-IN: (a)-(c) Yes. While this must be the immediate objective, in some parts of the world such immediate and absolute elimination will be difficult in the short term.

Russian Federation. (a)-(c) Yes, because of the serious danger to children's lives and development.

Slovenia. For the purpose of efficiency, the Convention should provide a limited period of time for ratifying Members to suppress all extreme forms of child labour — one year for the forms referred to in (a) and (b) and three years for those in (c).

South Africa. BSA: Yes. It is of the utmost importance to define "extreme forms of child labour" clearly and not rely just on the specific forms listed. (c) Yes, but define clearly what is meant by "to jeopardise their health, safety or morals".

Spain. (b) Criminal and administrative law should be harmonized.

UGT: The objective should be the urgent suppression of all forms of child labour. To achieve this, measures of social protection for children and their families should be adopted through consultation and negotiation with the most representative social partners.

Sweden. The most intolerable forms of child labour should be defined by reference to the definition in Article 32 of the Convention on the Rights of the Child. (a) and (b) Attention should be drawn to the risk of having different levels of strictness in international standards: the new instruments, the Convention on the Rights of the Child and Convention No. 138. A national programme of action for the elimination of extreme forms of child labour should be an obligation upon ratification; Question 11 should thus be transferred to the Convention, as should Question 14, to enhance the definition of "extreme forms".

Switzerland. If the immediate elimination of extreme forms of child labour is the objective of the future instruments, experience shows that a prohibitive standard alone is not sufficient. Effective supervisory measures, incentives and sanctions are indispensable.

(b) The discussions on a Draft optional protocol to the Convention on the Rights of the Child need to be kept in mind. The reference to the "use" of a child for prostitution is ambiguous because it is unclear whether the law should penalize the client of a child prostitute — which might be a problem under Swiss law when the child is over age 16 or if it is aimed at the procurer (which is provided for under the Swiss Penal Code). (c) This formulation should be more flexible to avoid obstacles to implementation similar to those concerning Convention No. 138.

UPS: (a)-(c) Yes.

CSC/CNG: Yes. Although it does not constitute an extreme form of child labour within the meaning of paragraphs (a)-(c), work at a young age seriously jeopardizes the development of the child. A new paragraph should prohibit all work under a certain age, 12 for instance. This would concern, in particular, children working in domestic service.

USS/SGB: The new instrument should do more than reiterate existing provisions. Reinforce the definitions in Questions 7 and 8 and bring Questions 13 and 14 into the Convention.

VSA: (a)-(c) Yes.

Thailand. No. In practice it may be impossible to suppress all extreme forms of child labour immediately. National conditions should be taken into account and the suppression should be as soon as possible. (b) Yes, but define "other illegal activities" specifically or omit this reference.

Turkey. (c) Yes, in principle, but this provision should constitute a separate point as it is entirely different in nature from subparagraphs (a) and (b).

TÜRK-IS: Yes. Changes to national legislation are urgently needed to protect the millions of children working in Turkey. (a) These and other intolerable conditions are exploitative of children. (b) These forms of child labour are shameful. (c) The Convention should not allow children to work in jobs which pose a danger to their health, safety and physiological nature.

TEKSIF: (c) Same proposal as made by ACTU under Australia.

Uganda. Suppressing all extreme forms of child labour immediately is desirable, but might not be feasible, thus each ratifying Member should be able to initiate action within a certain time-frame. In developing countries, raising awareness and sensitizing communities is necessary.

Ukraine. The Convention should provide that what constitutes extreme forms of child labour should be clarified and socially and legally evaluated. Responsibilities of persons who violate these norms should be specified. Sanctions applied to member States which ratify, but do not observe, relevant standards should also be determined. (a) Criminal proceedings should be instituted against employers who do not observe these standards. (b) Persons, including parents, found guilty of violating this prohibition should be prosecuted. (c) The Convention should contain an overall list of hazardous and harmful types of work prohibited for children. A possible alternative would be for each ILO member State to negotiate with the ILO its own list, since there will be differences in identifying hazardous and harmful working conditions depending on the level of socioeconomic development of a given country.

United Kingdom. The Convention should require member States to take immediate steps to eliminate the most hazardous and intolerable forms of child labour. (a) Yes, and the Convention should include a broad but clear definition of practices similar to slavery such as abusive forms of domestic service. (c) It will be essential to draw up a clear but broad definition of the types of activity included.

TUC: The proposed text is insufficient and adds little to existing national and international law. It should do more. At the same time, a new instrument should not undermine existing ILO standards, or the Convention on the Rights of the Child. The moving of the the provisions of the proposed paragraphs of the Recommendation (Questions 13 and 14) to the Convention would clarify the complementary nature of the new Convention and strengthen the definitions in Questions 7 and 8. This would improve the quality of the instruments by removing from governments the possibility of setting weak criteria.

Providing for "immediate" suppression should not discourage ratification. It cannot imply that the day after ratification all extreme forms of child labour would disappear. A better wording might be: "Recognizing that the commercial exploitation of children under the age of 15 years, or, if defined in consultation with the organizations of workers and employers concerned, 14 years for a member whose economy and educational facilities are insufficiently developed, should be eradicated, each ratifying Member should as a matter of absolute priority in social and economic policy take immediate and effective action in law and practice to suppress all extreme forms of child labour, in particular". (a) Yes. Add after serfdom: "and types of work in which the child is delivered to and wholly dependent on the employer". (c) This should be amended to read: "The use or engagement of children in any type of work which, by its nature in the circumstances in which it is carried out, is likely to jeopardize their physical and psychological health, education, safety, morals or social development". Add after development, an amended version of Questions 13 and 14. "In the new 7 (c) (i) (former 13 (a)) delete "where such exist". In the new 7 (c) (iii) (former 13 (c)) add "and educational before development". In the new 7 (c) (viii) (former 14 (d)) add before noise "high" and add after vibrations: "or to the carrying or lifting of heavy loads, or in workstations which are inadequately lit or ventilated or require the adoption of damaging posture"; in the new 7 (c) (v) use the term "at night" instead of "during the night". There should be a new (d): "Each member which has specified a minimum age of 14 years in pursuance of the provisions of this Article shall include in its reports on the application of this Convention submitted under Article 22 of the ILO Constitution a statement that: (i) its reason for so doing subsists; or, (ii) that it renounces its right to avail itself of the provisions in question as from a stated date."

United States. This is the core issue of the envisaged instrument(s) and should focus on suppressing, with the goal of eliminating, exploitative forms of child labour. The Conference, however, should not become mired in negotiations over a universal definition of what constitutes exploitative child labour. (b) There is no problem with these matters being covered in the new ILO instrument(s), but there is concern that the ILO not devalue the criminality of child

sexual exploitation and drug trafficking by referring to them in a labour Convention. These are criminal violations of human rights, and are in no way legitimate forms of work. Care should be taken to ensure compatibility with other international treaties, in particular Articles 33 and 34 of the Convention on the Rights of the Child, so that dual, competing standards are not inadvertently created. (c) This is the most complicated and potentially the most difficult question that the Conference will consider. The new Convention should not incorporate the language or the jurisprudence of Article 3 of Convention No. 138. The reference to "health and safety" might be a barrier to ratification, if those terms were inconsistent with United States law (see comments to Questions 8, 13 and 14), and compelling government regulatory action on grounds of jeopardizing "morals", would be incompatible with the Constitution.

USCIB: Yes. The sole focus of these instruments should be on extreme forms of child labour. (c) No. The wording duplicates Article 3 of Convention No. 138. It would be an impediment to the ratification of the proposed Convention for those Members who have been unable to ratify Convention No. 138. The issue of morals is addressed in (b) and does not need repeating. The answer would be yes if it addressed, for example, "extreme and hazardous working conditions".

AFL-CIO: (c) Yes, but include any work which prohibits or impedes children from attending or completing compulsory education. (c) and new (d) Same proposals as made by ACTU under Australia.

Uruguay. Employers: If the Convention requires the immediate suppression of these extreme forms of child labour, it will certainly not be ratified by countries where the situation is most serious.

Venezuela. INAM: Yes, but these activities should not be considered labour. They are offences against children or adolescents which should be more severely punished and prohibited.

SENIFA: Immediate suppression of child prostitution and hazardous child labour may be somewhat problematic. The Convention should require submission of a detailed report three to six months after ratification, setting out the number of boys and girls in such activities, the supervision exercised, policies to eliminate this work and deadlines to achieve targets. "Safety" and "morals" should be defined.

Yemen. FWU: (a), (b) and (c) Yes. These are worse than the most extreme forms of work.

An overwhelming majority of replies, including replies from employers' and workers' organizations, supported a provision in the Convention for the immediate suppression of extreme forms of child labour, including those listed in subparagraphs (a) to (c), stating that they were exploitative and inhumane and impaired the education, health and development of the child.

Two points have been drafted in the Proposed Conclusions based on Question 7. The first, *Point 8*, corresponds to the first part of the question concerning the obligation to suppress immediately all extreme forms of child labour. The second, *Point 9*, defines what comprises "extreme forms of child labour".

One of the concerns raised about this question related to the immediacy with which extreme forms of child labour would have to be suppressed. Opinions ranged from providing for the progressive elimination of extreme forms of child labour, especially for those countries with limited resources and low levels of development, to giving a slightly more flexible wording to allow for action toward the immediate suppression of child labour. *Point 8* has been drafted to provide that Members should "take measures" to secure the immediate suppression of all extreme forms of child labour. While the wording is more flexible, the principle of taking immediate action is retained. This does not depart from the rationale for the new instruments that there

are forms of child labour that cannot be tolerated and which cannot therefore be subject to progressive elimination. For example, their elimination cannot wait until full basic compulsory education has been achieved, or for long-term poverty alleviation programmes to be effective. This is consistent with the Resolution concerning the elimination of child labour adopted by the International Labour Conference in 1996 which stressed, in the context of the progressive elimination of child labour, the need to immediately proceed with the abolition of its most intolerable aspects.

Subparagraphs (a) and (b)

There was general agreement that these are intolerable situations for children. Many of the replies emphasized the criminal nature of the practices in subparagraphs (a) and (b), the serious violation of human rights and international standards and the human degradation of the children involved. Some countries raised concerns about referring to these situations as work or devaluing their criminal aspect by putting them in a "labour" Convention. There were those who wanted to ensure that crimes against children were not considered as forms of work, but should be punished as crimes. At this point it is worth recalling that these concerns were addressed in the first report prepared on this agenda item for the Conference, *Child labour: Targeting the intolerable*: "Child prostitution, child pornography and the sale and trafficking of children are crimes of violence against children. They must be treated as crimes and attacked as the most serious crimes are attacked. Such repellent abuses are so far removed from any normal notion of work or labour that it seems strange to focus on them in an ILO report. Yet while they are crimes they are also forms of economic exploitation akin to forced labour and slavery. Any new international standards on the most extreme forms of child labour must therefore specifically aim at abolishing the commercial sexual exploitation of children." (p. 66) In addition, many countries devote a section of their labour legislation to forced or compulsory labour. Definitions are often in conformity with Convention No. 29, which is one of the fundamental Conventions of the ILO and applied to various forms of child labour when this is akin to forced labour. As regards the application of Convention No. 29, the Committee of Experts has particularly noted the exploitation of children for prostitution and pornography. The United Nations Working Group on Contemporary Forms of Slavery has also come to classify the sale and sexual exploitation of children as contemporary forms of slavery.

These two subparagraphs have been retained in *Point 9*. A direct reference to trafficking in drugs has not been retained as may be considered as being covered under subparagraph (b) ("illegal activities") or under subparagraph (c). Definitions have not been included, as supported by most replies, since there are relevant international instruments on the practices in question. Where there are no internationally accepted definitions, national definitions apply. A few governments raised a concern that the object of the sale and trafficking of children might affect international adoptions. This provision is in the context of child labour. Classifications by the United Nations Special Rapporteur on the sale of children also divide the purposes of trafficking into child labour, adoption and organ sale.

Some countries pointed out that there might be a problem where prostitution was legal below the age of 18 or the age of sexual consent less than 18 years. This provision would still prohibit the use, engagement or offering of a person under 18 for

prostitution. A child's consent to a sexual act would not exclude it from the prohibition. It is not unusual in national law for the age of sexual consent to be less than 18, but for it still to be a crime to entice persons under 18 into sexual acts, to procure them for prostitution or to draw economic benefit from sexual activities involving them.

Subparagraph (c)

Comments on subparagraph (c) emphasized the negative consequences of this type of work on child development, its interference with a child's education, and its tragic health and safety repercussions such as loss of life, disease and physical injuries which sometimes permanently disabled or cut short the life span of working children.

A group of governments and workers' organizations wanted much more specificity in the Convention on what constituted extreme forms of child labour. Some proposed including an annex to the Convention, while several governments and numerous workers' organizations suggested modifying and bringing the provisions of Questions 13 and 14 into the Convention, specifying the process for determining hazardous work and listing types of work which should be considered hazardous. However, another group thought that there should be no attempt at a universal definition of extreme forms of child labour. Another concern was with using language similar to that in Convention No. 138. Some emphasized the need to be consistent, while others did not want to incorporate the language or jurisprudence of Convention No. 138.

The Office appreciates these concerns; it is aware of the problem, which was raised in the replies, of including sufficient detail in the Convention to make it meaningful, while also allowing for determinations to be based on national circumstances. It would be difficult to have a catalogue of work falling under subparagraph (c) that would be relevant for each country, given the differences in levels of technology, safety techniques, and the like. A list in the Convention could be limitative and quickly outdated.

Based on the replies, subparagraph (c) of *Point 9* is drafted to refer to any other type of work "or activity". In addition, to emphasize that the subject is work which warrants immediate suppression, a phrase has been included to refer to work that is likely to jeopardize the health, safety or morals of children "so that they should not be used or engaged in such work under any circumstances". *Point 10* below addresses how the determination of this type of work is to be made. The criteria are thus contained in the Convention, but the results are to be determined under national law. This is also consistent with those replies that opted for a short Convention containing fundamental principles.

Numerous replies suggested adding criteria to "health, safety or morals". Education was the most frequently mentioned, including by a large number of workers' organizations. Others suggested using the phrase in Article 32 of the Convention on the Rights of the Child.[1] Careful consideration will need to be given by the Conference to the proposals on education. If all work that is likely to jeopardize the education of children under age 18 is included as extreme child labour, it would broaden

[1] Work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

greatly the focus of the Convention and increase the likelihood that many countries could not take measures to suppress such work immediately and thus not ratify the Convention. Many countries find it difficult to provide compulsory basic education up to age 15, much less to offer wide educational opportunities up to age 18.

Some wanted to specify physical and mental health. "Health" is understood to include physical and mental health, which is consistent with the dictionary definition of "health" as the state of being well in body or mind and referring to a person's mental and physical condition. The Occupational Safety and Health Convention, 1981 (No. 155), defines "health" in relation to work as "not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work" (Article 3 (e)). A few countries suggested that regulating morals would cause them difficulty or wondered whether it might not duplicate subparagraph (b). Examples from national legislation relating to harm to a child's morals included prohibitions on work in certain kinds of entertainment, bars, situations in which alcohol was involved and the like.

The proposals for different criteria have not been incorporated. It will thus be for the Conference to decide if further changes should be made.

Qu. 8 *Should the Convention provide that national laws or regulations or the competent authority should determine, after consultation with the organizations of employers and workers concerned, where such exist: (a) the types of work to be prohibited under Question 7 (c) above and (b) the conditions under which any such type of work may be performed by children as from the age of 16 years consistent with the provisions of Article 3, paragraph 3, of Convention No. 138?*[1]

Total number of replies: 98.

Affirmative: 95. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia,

[1] Article 3 of Convention No. 138 provides as follows:

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Zimbabwe.

Negative: 1. Denmark.

Other: 2. Mexico, New Zealand.

Subparagraph (a):

Total number of replies: 99.

Affirmative: 93. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Denmark, Singapore.

Other: 4. Mexico, New Zealand, Norway, United States.

Subparagraph (b):

Total number of replies: 97.

Affirmative: 87. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, San Marino, Saudi Arabia, Slovenia, South Africa, Spain, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, Zimbabwe.

Negative: 8. Croatia, Denmark, Greece, New Zealand, Qatar, Singapore, Slovakia, Venezuela.

Other: 2. Mexico, United States.

Algeria. UNEP and CGOEA: Yes. (a) and (b) Yes.

Australia. (a) Children, especially child workers, should also be consulted, where appropriate. (b) There should be sufficient flexibility to accommodate a country's existing practices that are not considered to be extreme or exploitative.

ACTU: "Where such exist" should be omitted and the text should be modified to read: "give effect to: (a) the setting of priorities for the immediate suppression of extreme forms of child labour prohibited under Question 7 (c), and (b) the conditions under which any such work may be performed . . .".

Austria. (b) It should be explicit that "any such type of work" refers to Question 7 (c), and not to 7 (a) or (b).

Belarus. BKPP: (b) No.

Cambodia. (a) A list of the prohibited types of work should be established. (b) Consider heavy work, long hours and work that needs to be adapted to the age of the child.

Cameroon. (b) Yes, in developing countries with a young and rapidly growing population and all the problems of schooling this involves, it is vital to make provision in this area.

Canada. If the proposed changes to Question 7 above are accepted, this provision should only address how national authorities "should determine" and not "if". (a) See reply to Question 7. (b) Yes, keeping in mind the need for flexibility as to what constitutes work that can jeopardize children's health, safety or morals.

CEC: Yes, subject to the caveat noted in reply to Question 7 (c). The Convention should explicitly make reference to Article 3 of Convention No. 138, which provides some flexibility in the age at which young people may begin work.

Cape Verde. ACS: Yes.

Colombia. DTT: The Convention should provide that national law or competent authorities make the following distinctions: prohibition of any type of productive work for all children under age 12; types of work permitted by age group; and prohibition of activities that involve exploitation, abuse or mistreatment of children under age 18.

ANDI: Types of work as well as the minimum age should be determined by national tripartite consultation.

Croatia. (b) Yes, however, if such types of work have already been prohibited, the determination of conditions under which children over 16 may perform such work is not needed.

Cyprus. (a) and (b) This should be left to national laws or regulations.

Czech Republic. (a) National laws or regulations should determine this.

Association of Building Entrepreneurs of the Czech Republic: (a) No. (b) Yes.

Confederation of Culture and Arts and Czech Confederation of Employers' Unions: (a) and (b) Yes.

CMK OS: Yes. (a) Both the process of determining types of hazardous work and the listing of the types of hazardous work should be in the Convention (see under Question 7), thus subparagraph (a) should only require "the setting of priorities for the immediate suppression of the extreme forms of child labour prohibited under Question 7 (c)".

Denmark. The definition should not be left to national authorities. The Convention should specify the forms of hazardous work prohibited for those under 18, to avoid dilution of the prohibition. Delete "where such exist".

LO/FTF: National authorities should decide on the priorities for eliminating child labour after consulting employers and workers.

Dominican Republic. (a) Yes, to facilitate application and define responsibilities.

Egypt. (b) The text should be modified to include a link to the completion of basic education.

Eritrea. (a) Same as reply to Question 7 (c). (b) Helps address problems in developing countries.

Estonia. CEIE: (b) Work should be allowed from the age of 16 years for fishing, agriculture, and seasonal trade according to local legislation.

Fiji. (a) This is necessary as conditions may vary from State to State.
FEF: (b) Yes, particularly in relation to non-industrial work.

Finland. (a) Since conditions, traditions and types of work vary from one country to the next, there is justification for deciding the types of work to be prohibited according to the conditions in the country concerned. The Convention should make it possible for ratifying States to use acts or decrees to determine what is to be considered dangerous work, as defined above, in accordance with the tripartite principle. (b) Yes, but also leave them the option of supervised work.
SAK, STTK, and AKAVA: Delete "where such exist". (a) Should read "the setting of priorities for the immediate suppression of extreme forms of child labour prohibited under Question 7 (c). . .".

France. CFDT: Delete "where such exist". (a) The decision cannot be left to national authorities alone. Add "the setting of priorities for the immediate suppression of the most extreme forms of child labour prohibited under Question 7 (a) and (b). . ."

Gabon. (b) All guarantees concerning safety, health and morals must be ensured.
COSYGA: (a) Yes, to avoid political or economic reasons for exemptions.

Germany. BDA: (b) No. This provision is much too detailed. (See reply to Question 2.) Flexible wording of Question 7 (c) would render this provision unnecessary.

Ghana. (a) A tripartite body would be in a better position to identify the types of work to be prohibited and would enhance cooperation in suppressing such forms of child labour. (b) This would help ratifying member States determine the parameters of work to be performed under certain stated conditions.

Ireland. ICTU: (a) Yes. Delete reference to "where such exist". (b) Yes.

Italy. The Convention should provide that national legislation should establish, with the technical cooperation of the ILO, a non-exhaustive list of types of work prohibited for minors.

Jamaica. JCTU: There could be a problem where there is no real system for consultation among the social partners, or where freedom of association is prohibited. Perhaps this provision should reaffirm the need for the complete elimination of the most intolerable forms of child labour as agreed and defined by international standards, thus restricting the use and application of narrow, local definitions.

Japan. A decision will have to be made whether to include work as part of a course of training within this provision.

Jordan. ACI: (a) Work in mines, show business, entertainment, bars, dance halls and the like. (b) Under strict supervision and under a bona fide employer.
FJCC: No. (a) Yes, because any benefits that a child might derive from this type of work are outweighed by the severe disadvantages inherent in it. (b) No.

Kenya. COTU: (a) Yes. The Convention itself must spell out the details. (b) Yes.

Kuwait. (b) Yes, provided that the health and safety of the children are fully protected and they receive education and vocational training.

Lithuania. Centre of Lithuanian Trade Unions and Lithuanian Labour Federation: (a) and (b) No.
Lithuanian Workers' Union and Unification of Lithuanian Trade Unions: (a) Yes.

Mauritius. (b) Children under 16 should only work under regular medical supervision.

Mexico. This should be determined by national legislation, considering the specific conditions of each country. Taking into account the answer to Question 7 above, the minimum age could be established by the member States themselves in accordance with the type of activity

concerned. The instrument should stipulate that such tasks may be carried out by persons above 16 years of age under conditions in accordance with national legislation. Failing this, the terms of Article 3 (3) of Convention No. 138 could apply.

Mongolia. MEA: (b) No. These types of work should be prohibited up to the age of 18.

Morocco. The text should read: "National laws or regulations, collective agreements or internal statutes of establishments should determine, after consultation with the organizations of employers and workers concerned, (a) the types of work which should be prohibited under Question 7 in view of their characteristics, extent or danger which may vary from one region to another. These types of work should include: work which exposes children to physical, emotional or sexual abuse; work performed underground, underwater or at dangerous heights; or work which implies the use of materials or machinery harmful to health and safety".

Namibia. (a) As long as they are not acceptable for the development of the child, these types of work should be prohibited. (b) Yes. Article 3 of Convention No. 138 provides protection in this area.

New Zealand. (a) Yes, however there should be some flexibility concerning the organizations consulted; organizations other than employers' and workers' organizations may have valuable contributions to make. Consultation about legislation and policy should be done according to national practice. (b) A new instrument should not be shaped around the text of Convention No. 138. It could inherit barriers to ratification similar to those of that Convention. See also the comments to Question 3 against the efficacy of a blanket statutory minimum age. Alternative measures, such as education programmes implemented by employers should be explored.

NZEF. (a)-(c) Agrees with the Government and comments under Question 3.

Norway: Replace with the following text: "The Convention should provide that national laws or regulations or the competent authority should, after consulting with the organizations of employers and workers concerned, give effect to: (a) the setting of priorities for the immediate suppression of extreme forms of child labour prohibited under Question 7 (c), and (b) the conditions under which any such work . . .".

LO: Agrees with the Government's proposed changes.

Oman. Chamber of Commerce and Industry of Oman: (a) Yes, to facilitate implementation. (b) No. Admission to work should start at 18.

Philippines. (a) and (b) Children may work, but not under the conditions mentioned in Question 7 (c). The provisions should be clear, leaving no room for the employer's own interpretation or discretion.

Poland. All-Poland Trade Union Alliance (OPZZ): Yes. Institutions representing the interests of children should also be consulted.

Portugal. Yes. Notwithstanding that these provisions are already incorporated in Convention No. 138, there is a clear need to incorporate such a provision for States that are not yet in a position to ratify Convention No. 138. The principles would be the same in both cases.

CIP: The definition of the forms of labour which should be prohibited because of their inherent risks to health, safety and morality of children is already left to national legislation by Convention No. 138. This provision is therefore unnecessary.

CGTP-IN: (a) Yes. It is, without a doubt, the responsibility of national legislatures to determine expressly, clearly and unequivocally which types of work may jeopardize the safety, health and moral integrity of minors and which, as such, must be prohibited to minors. (b) Yes. It is also the responsibility of national legislatures to determine which types of work, though entailing some risk, may be carried out by minors between ages 16 and 18. Such legislation would clearly govern the protection of the health, safety and moral integrity of these minors, and would need to specifically provide appropriate mechanisms for the supervision of working conditions and effective control of such work.

Qatar. (a) Yes, to have a precise and realistic definition according to national conditions. (b) No, the regulations on hazards should apply to all types of dangerous work, without exception.

San Marino. (b) Yes, as determined by the competent authority.

Saudi Arabia. (b) Taking into account the exceptions provided for in Articles 6 and 7 of Convention No. 138.

Slovakia. (b) No. Such work may be performed by children only as from the age of 18.

South Africa. Include "and other relevant bodies".
BSA: (a) Yes. (b) Clarity is required as to the minimum age.

Spain. (b) Yes; however, there should be no exceptions for children under the age of 16.

Sri Lanka. CWC: Yes, subject to the answer to Question 6 above.

Switzerland. CSC/CNG: The most dangerous types of work should be expressly mentioned in the Convention and should include at least: glass industry, brickyards, making of matches, deep-sea diving, construction, mines. For other types of dangerous work subparagraph (a) and eventually (b) could apply.
USS/SGB: Same proposals as made by ACTU under Australia.

Turkey. TÜRK-IS: (a) Yes. See reply to Question 7 (c). (b) Yes, but indicate the branches of activity in which people aged 16 to 18 years are allowed to work.
TEKSIF: Same proposals as made by ACTU under Australia.

Uganda. Yes, to ensure effective protection of children from hazardous work.

Ukraine. (a) The differentiation between these types of work should be made by each state, according to its level of development. (b) Labour standards dealing with the working conditions of adolescents related to work load, work procedures, hours of work, heavy lifting and carrying, impact of noise, natural, psychotropic and other factors, should be developed and revised on a regular basis.

United Kingdom. TUC: This leaves wide discretion to national authorities to define the meaning of a key provision of an international Convention. While the text includes a provision that such determination should be done in consultation with the organizations of employers and workers concerned, in countries without free trade unions, or where national consultative procedures are not properly followed, the decision would effectively be left in the hands of the national authority alone. Therefore, the provision should refer to the setting of national priorities for immediate action on the types of work which come under the definitions in Question 7. The point should also provide for the establishment of appropriate national machinery to monitor provisions giving effect to the Convention, as proposed in Question 17 under the Recommendation.[1]

United States. Yes. However, it is not clear whether national legislative, rule-making, and enforcement procedures would satisfy the requirement for consultation with appropriate organizations of employers and workers. (a) The instrument and the determination would be practically meaningless if the abuses were not corrected through governmental action. Depending on the outcome of the discussions on the provisions of Question 7 (c), such United States governmental action might not be feasible. (b) While the Convention probably needs to establish

[1] The revised text would read: (1) "The Convention should provide that national laws or regulations or the competent authority should, after consultation with the organizations of employers and workers concerned, determine (a) the types of work to be prohibited according to the criteria in Question 7 and give effect to (b) the setting of priorities for the immediate suppression of extreme forms of child labour prohibited under Question 7, and (c) the conditions under which any such type of work may be performed by children as from the age of 16 years consistent with the provisions of Article 3, paragraph 3, of Convention No. 138. (2) Members should establish appropriate national machinery to monitor provisions giving effect to the Convention."

an age below which exploitative child labour must be prohibited, the emphasis of the Convention should be on the types of work which are intolerable at any age. If a form of child labour is exploitative, it is hard to imagine that there could be sufficient training or protection to render it tolerable.

USCIB: No. There is no opposition to the consultation principle, but the content of subparagraph (a) and (b) encompasses matters within Convention No. 138.

AFL-CIO: Same proposal as ACTU under Australia. (a) No, this should be determined by the Convention. (b) Yes, in accordance with Convention No. 138.

Venezuela. INAM: (b) Yes, but it is inappropriate for children, including those aged 16 or over, to perform the work described in Question 7.

SENIFA: (a) A list of activities which jeopardize the development of children would be useful. A period of compulsory basic education or work compatible with school attendance should be required.

Yemen. (b) Any work should match a child's age and size. Children under 16 should not be allowed to work to the exclusion of anything else; they should be given the opportunity to combine work and education under an agreement between the national authority, employers' and workers' organizations.

FCCI: (a) Yes, work in mines, quarries, chemical plants or similar work. (b) Work should match a child's age and capabilities.

The vast majority of replies supported this provision as an appropriate complement to the provisions of Question 7. While there were specific forms of child labour that could be obviously listed as extreme, other types of work or activity would have to be assessed against certain criteria and provide the opportunity for national situations to be taken into account. There was general support for the first part of the question on tripartite consultation, but there were proposals to delete "where such exist", primarily by workers' organizations, and to expand the groups to be consulted, such as "other relevant bodies" and children.

The major issue raised, however, concerned the amount of flexibility to be left to national authorities in making the determination covered by subparagraph (a) and the level of detail appropriate for the Convention versus the Recommendation. Proposals ranged from giving even more flexibility to national authorities to determine what constituted extreme forms of child labour to providing a detailed list in an annex to the Convention so that local definitions would not prevail. As mentioned under Question 7, there were several proposals to bring the provisions from Questions 13 and 14 under the Recommendation into the Convention so that both the process of determining the types of hazardous work and a list of hazardous work would be in the Convention. National law and authorities would then set priorities for their immediate suppression. In view of the strong general support for maintaining broadly worded provisions in the Convention and leaving more detailed guidance to the Recommendation, the provisions of Question 14 have been left in the Recommendation. However, *Point 10* has incorporated some of the provisions from Question 13: it takes account of relevant international standards, and stipulates that the types of work determined to be extreme should be periodically examined and revised as necessary. The reference to relevant international labour standards does not create an obligation on a member State which has not ratified those standards to comply with them, but only to take account of relevant provisions that might help in determining which types of work should be prohibited as extreme. The Minimum Age Recommendation,

1973 (No. 146), contains similar criteria for determining hazardous work. It gives examples of relevant international labour standards such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work. Concerning periodic reexamination and revision, where necessary, Recommendation No. 146 adds that this should be undertaken "particularly in the light of advancing scientific and technological knowledge".

The other provisions in Question 13 concerning the additional groups to be consulted and the account to be taken of the physical and psychosocial development of the child, are not included. There was general acknowledgement that experts of various kinds needed to be involved; however, as drafted, the Proposed Conclusions leave this to national consultative processes. In addition to tripartite consultation, countries may have provision for special advisory groups, public hearings and other methods for seeking citizen input into legislative and rulemaking decisions. It is for the Conference to determine if more detail is desired and to reach consensus on which other groups should be mentioned. Subparagraph (c) in Question 13 was considered redundant because provision had already been made for determining the kinds of work likely to jeopardize the health, safety or morals of children.

Concerning subparagraph (b) which is consistent with Article 3 (3) of Convention No. 138, many replies supported it because it was in line with the hazardous work provision of Convention No. 138. Some felt that there should be an opportunity to provide for a lower age, while others reiterated that the provisions of Convention No. 138 should not be repeated. It was also suggested to delete this provision to stress that the types of work subject to the new Convention were, in fact, so extreme as to be intolerable. If they could be made safe, they would no longer come under absolute prohibition. Subparagraph (b) has been dropped to maintain the focus on extreme forms of child labour.

Qu. 9

(1) Should the Convention provide that all necessary measures should be taken to ensure the effective enforcement of the provisions of the Convention, including, as appropriate, the provision and strict enforcement of adequate criminal penalties?

(2) Should the Convention provide that Members should take effective measures to prevent children from entering or returning to any form of child labour referred to in Question 7 above and to provide them with necessary and appropriate direct assistance?

(3) Should the Convention provide that Members should designate the competent authority or authorities responsible for the implementation of the provisions giving effect to the Convention?

(4) Should the Convention provide that national laws or regulations or the competent authority should define the persons who should be responsible for compliance with the provisions giving effect to the Convention?

Paragraph (1):

Total number of replies: 103.

Affirmative: 96 . Argentina, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 3. Bahrain, Peru, Singapore.

Other: 4. Mexico, New Zealand, Sweden, United States.

Paragraph (2):

Total number of replies: 103.

Affirmative: 98. Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Republic of Korea.

Other: 4. India, Mexico, New Zealand, Sweden.

Paragraph (3):

Total number of replies: 101.

Affirmative: 90. Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia,

Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 8. Bahamas, Estonia, Jordan, Republic of Korea, Lebanon, Malaysia, Romania, Singapore.

Other: 3. Spain, Sweden, Switzerland.

Paragraph (4):

Total number of replies: 101.

Affirmative: 74. Argentina, Armenia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Egypt, Ethiopia, Fiji, Finland, Gabon, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Morocco, Myanmar, Namibia, Nepal, Netherlands, Norway, Panama, Philippines, Poland, Qatar, Russian Federation, San Marino, Saudi Arabia, Slovakia, South Africa, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 22. Cape Verde, Croatia, Czech Republic, Dominican Republic, El Salvador, Eritrea, Estonia, France, Ghana, India, Jordan, Republic of Korea, Kuwait, Malaysia, Mongolia, New Zealand, Nicaragua, Peru, Romania, Singapore, Slovenia, Switzerland.

Other: 5. Australia, Portugal, Spain, Sweden, United States.

Algeria. UNEP: (1)-(3) Yes ; (4) No.
CGOEA: (1)-(3) Yes.

Australia. (1) See reply to Question 8 (b). Civil penalties, such as fines, may be an additional option as an economically punitive disincentive. This, however, may be covered in the Recommendation to enable countries to determine the most appropriate penalties. (2) Measures should be determined by the appropriate national authorities. (3) With sufficient flexibility to accommodate any reallocation of responsibility by governments that may be considered appropriate. (4) The purpose is unclear.
ACTU: (2) Delete the phrase "referred to in Question 7 above".

Austria. (1) Yes, but the sanctions should be in line with national law. It should be clear that measures could be taken under criminal or civil law. (4) National laws should provide that it is the natural or legal employer who is responsible for compliance.

Belarus. BKPP: (3) and (4): No.

Belgium. (2) The Recommendation should propose a list of such measures.

Benin. (2) Yes, but to alleviate potential problems of ratification, specify that the assistance to be granted should take into consideration the means at the disposal of each member State.
UNSTB: (1) There should be a follow-up committee to ensure the effective implementation of the Convention. (3) The national follow-up committee should be composed of psychologists, sociologists, lawyers, social workers, trade unionists and employers.

Brazil. (1) Yes, having taken account of national criminal legislation.
CNC: (1) No. This should be governed by national legislation.

Bulgaria. Committee for Youth and Children of the Council of Ministers: (3) This should be up to national Constitutions. (4) No. This definition should be in accordance with United Nations instruments.

Bulgarian Industrial Association: (1) and (2) Yes. (3) and (4) No.

Cameroon. (1) Sanctions would have a deterrent effect and contribute to the progressive suppression of child labour.

Canada. (1) Yes, but the Convention should be more specific and refer to "implementation" rather than "enforcement", as follows: "States should take all necessary measures to ensure the effective implementation of the Convention, including, as appropriate, creating effective penal, civil, labour and administrative sanctions, prohibiting work classified as hazardous according to the criteria established by this Convention, and ensuring their effective enforcement". If these changes are made, Questions 20 and 21 could be deleted from the Recommendation. (2) Yes. The Recommendation could specify the types of measures that should be considered. See reply to Question 12 (b). To make clear that the private sector has a role to play as well, Members should also "ensure that necessary and appropriate assistance is available". (4) Insert after "define" "or allow for the identification of".

CEC: (1) Criminal sanctions may not be appropriate for the activities envisaged under Question 7 (c). The type of sanctions should be left to national law and practice. (2) Including measures such as economic reforms, improved educational opportunities, vocational training and skills development to ensure that children will not need to become involved in the intolerable forms of child labour specified in Question 7 (a) and (b).

CNTU: (1) Yes, but not only penalties. (2)-(4) Yes.

Cape Verde. ACS: Yes.

Colombia. DTT: (2) Yes. The Convention should provide that Members should adopt effective measures to protect children from any situation in which they are exploited, abused or mistreated which is incorrectly defined in the questionnaire as forms of work.

ANDI: (1)-(3) Yes, and in addition, rehabilitation, training and recreation programmes should be designed and implemented for displaced children and young persons.

Croatia. (1) Yes, but only in a declaratory way in the case of sanctioning through criminal legislation. (2) This should be contained in the Recommendation, as well as a clarification of effective measures. (4) No, this would place too much onus on the State. The Convention should only establish the authority competent for the implementation of its provisions.

Czech Republic. (3) Yes, to ensure effective supervision and compliance with international obligations. (4) No, because this is superfluous in view of the obligation in paragraph (3). The State is responsible for its international obligations, even for acts by private persons.

Czech Confederation of Employers' Unions: (3) No.

Confederation of Culture and Arts: (4) Yes.

CMK OS: (1), (3) and (4) Yes. (2) Yes, but delete "referred to in Question 7 above".

Dominican Republic. National Council of Private Enterprise (CONEP): (1) Yes, but the measures should be in conformity with national law and the level of development of the country and preclude abuse by the labour authority.

Egypt. (1) The text should be modified to provide only for the enforcement, as appropriate, of adequate penalties. (2) Yes, to protect children from psychological, physical and social damage.

El Salvador. (1) Yes, in the specific case of high risk exploitation and attacks upon children's dignity. (2) Yes, efforts to involve education, health and recreation. (4) No, it is sufficient to make a reference to the appropriate body.

Eritrea. (1) Yes, to ensure implementation. (2) Yes, this may abolish or reduce harmful child labour. (3) Yes, to assist implementation and monitoring. (4) No, action referred to in (3) is sufficient.

Estonia. CEIE and CEO: (3) and (4) Yes.

Association of Estonian Trade Unions: (3) and (4) These provisions could be included in the Recommendation.

Ethiopia. (2) The Convention should include some flexibility to take account of the needs of the country, its stage of development and capacity to provide assistance. (3) There should be an authority responsible for coordinating existing scattered practices on child labour in the various countries.

Fiji. FEF: (2) Yes, but direct assistance should be left to the Member's discretion and ability.

Finland. (2) The Convention should include effective measures to protect children from entering or returning to more harmful forms of child labour. As a preventive measure, providing for compulsory education for all children should be included in both instruments because it is an effective way of reducing and preventing the use of child labour. Particular attention should focus on the situation of girls, which is worse than that of boys in many countries. It should be ensured that education is provided for girls and boys equally. Attention should also be paid to helping children who have already worked. (3) It should be ensured that a Government could never absolve itself of its responsibility by transferring it to an individual authority or organ. It should be possible to follow the same national procedure for enacting and supervising compliance of statutes. (4) Authorities responsible for implementation should be invested with the powers required.

SAK, STTK, AKAVA: (2) The phrase "referred to in Question 7 above" should be omitted.

France. This is within the competence of each State.

CFDT: (1) Yes, but it should be borne in mind that the main objective is the protection of children against exploitation. (2) Yes, but delete "referred to in Question 7 above" to reinforce the commitment to prevent the hiring of children. (4) Yes.

CFE-CGC: (4) Yes.

Gabon. (1) Yes, there should be criminal sanctions. (2) These measures require the political will of the Government to take concrete and adequate measures to prevent children from carrying on this work.

COSYGA: (1) Yes, to discourage violations. (2) Yes, to allow for better reintegration into society of the children who are victims of such practices. (3) and (4) Yes, to avoid situations in which people do not know which body they should contact in case of problems.

Germany. (1) Yes, provided that working children are not subject to criminal penalties. (2) A provision on direct assistance could be included in the Recommendation.

DGB: (4) The Convention should provide specific supervisory measures.

Ghana. (1) Yes, to ensure that the measures adopted for the elimination of child labour have adequate legal backing for enforcement. (2) Yes, to ensure that efforts to eliminate child labour will not be futile. (3) Yes, to avoid confusion and duplication of functions. (4) No, this should be left to the competent authority responsible for implementation.

GNCC: (2) The State's welfare services must be extended to children to prevent them from returning to child labour. (3) Yes, this would ensure a systematic procedure for enforcement. (4) Yes.

Greece. (1) See replies to Questions 20, 21 and 22. (2) See reply to Question 12 (b). (3) The role of public authorities is crucial in mobilizing other interested groups against child labour. Their powers must be sufficient to allow them to fulfil their duties effectively. (4) The role of labour inspectors should be recognized and reinforced and their work facilitated. As a

priority. States should designate special labour inspectors who cooperate with other competent authorities.

Guatemala. CUSG: (3) Yes. The competent authority or authorities should be established in the interests of efficiency. (4) There should be an institution responsible for this compliance.

Haiti. (2) Yes, taking into consideration that a number of children are forced to work to survive.

Honduras. (3) Yes, to ensure better compliance with the instruments.

COHEP: (3) It is important to have effective supervisory mechanisms.

Chamber of Commerce and Industries of Tegucigalpa (CCIT): No.

Hungary. (3) and (4) Yes, because without existing authorities and without appointing people to supervise and inspect application, there would be no guarantee that the provisions of the Convention would be implemented.

National Confederation of Hungarian Trade Unions (MSzOSz) and Democratic League of Independent Trade Unions (FSZDL): (3) and (4) These should only be in the Recommendation.

India. (1) Yes, however the penalties should be reflected in and determined by national law. (2) The principle of providing assistance to prevent children from entering or returning to any form of child labour referred to in Question 7 is acceptable. However, the Convention should provide that the nature of assistance will be determined according to national law and capabilities. (4) No. A law designates the competent authority or authorities and not persons responsible for implementing its provisions.

Iraq. General Federation of Trade Unions: (2) While important, the inability of poor countries to provide any form of assistance to children may prevent these countries from ratifying the Convention. (3) It is better to limit the text to "authority" instead of "authorities" so that responsibility is more precisely defined.

Ireland. ICTU: (1) Yes. (2) Yes. Delete "referred to in Question 7 above". (3) Yes. (4) Yes.

Italy. (1) The sanctions for extreme cases of abuse must be particularly severe. There should be an explicit reference to sanctions against sex tourism and trafficking in children. (2) Preventive action would be the most effective, but it should be accompanied by direct assistance for children and possibly by indirect assistance for their families. (3) It is indispensable to indicate the central and local authorities and their respective powers. (4) It is difficult to indicate specific persons in public bodies.

CGIL, CISL, UIL: (2) The Convention should provide a list of effective measures to prevent the forms of child labour mentioned under Question 7.

Jamaica. JEF: (2) This may be somewhat difficult to apply and should be included in the Recommendation instead. (3) No. This should be left to the member States. (4) No. This would be unwieldy.

Japan. (1) and (2). As national legislation and forms of child labour vary considerably from country to country, each Member must determine which measures are necessary based on its situation and existing legislation. "In accordance with the national conditions and laws and regulations of Members" should be inserted before "all necessary measures". The meaning of "effective enforcement" and "effective measures" should be left to the discretion of each Member.

Jordan. Amman Chamber of Industry (ACI): (3) The Ministry of Labour could assign such an authority, but duplication of authorities should be avoided. (4) Yes.

General Federation of Jordanian Trade Unions (GFJTU): (3) No. (4) Yes.

Kenya. (2) Member States should establish institutions, such as vocational training centres to ensure that children do not return to work.

COTU: (1) Yes, and trade unions should be empowered to take national industrial action against violence. (2) Yes. Workers should be educated to monitor and detect exploitation. (3) Yes. The responsible authorities should include workers' organizations.

Republic of Korea. (3) This should be determined by the laws and practices of each member State. (4) How to define the persons responsible for compliance with the provisions of the Convention should depend on the specific circumstances of each member State.

KEF: (1) and (2) No. The enforcement of the provisions should be in accordance with the laws and regulations of each member State.

FKTU: (2)-(4) Yes.

Kuwait. (2) Yes, through the exchange of information and consultations with member States. (4) No, this should be left as a general obligation which applies to all persons employing children.

Lebanon. (1) Penalties should be left to States. (2) The type and extent of assistance implied is not clear. (4) Yes, because more than one body may be responsible for compliance.

Malaysia. (3) No, it should be left to the individual member State to designate the relevant authorities responsible for implementation. (4) The decision should be left to the member States.

Malaysian Trades Union Congress (MTUC): (2) The children concerned should be sent to school or given proper training. Assistance should be provided to parents if possible. (3) and (4) Yes.

Mauritius. CMT: (1) Yes, as a preventive measure. (2) Yes, as most children go to work because their family is poor. (3) Yes. (4) Yes, the persons should be in government.

Mexico. (1) A provision on criminal penalties requires prior definition of the criminal offences, which could distort the objective of the proposed instrument. All activities would not necessarily warrant the application of legal penalties. (2) A reference to necessary and appropriate direct assistance should be included only in the Recommendation. It needs further clarification as subjective interpretations could result in discrepancies in the practical enforcement of the instrument. Direct assistance would be largely dependent upon the possibilities and the developmental stage of each country.

Mongolia. MEA: (1)-(4) Yes.

Morocco. (1) Add "and that these measures should have a sufficient deterrent power to prevent any infringement of their requirements.". (2) Delete "and to provide them with the necessary and appropriate direct assistance". (4) This should read "The Recommendation should determine the persons who should be responsible for the compliance with the provisions giving effect to the Recommendation."

Namibia. (1) Violators should be prosecuted under the criminal law of the member States. (2) Child labour should not be allowed even if the child worker consents to it. (3) The designated authority should provide periodical reports on the situation in the country.

Netherlands. (3) The competent authority or authorities should be comprised of Government, employers' and workers' organizations, NGOs and other members of civil society.

VNO-NCW: (3) Authorities mentioned should be government controlled. (4) In most countries this task could be given to the labour inspectorate.

CNV: (2) This assistance should include free compulsory education, specific programmes, vocational training, protective health measures, and adequate employment for adults.

New Zealand. (1) The phrase "strict enforcement" should be removed as this could imply, in the case of criminal offences, mandatory sentences or the elimination of the normal discretion given to the court. Does this intend to remove the prosecutor's discretion to decide to prosecute in a particular case? The use of the word "adequate" in relation to criminal penalties is likely to differ in terms of national practice and policy and lead to problems of interpretation. The wording " a penalty commensurate with the seriousness of the offence" would be better.

For implementation to be effective, account must be taken of different penalties in national law and practice. (2) Measures vary in national law and practice. (3) Yes, according to national policy and practice. (4) Members should decide, through their own legal systems, on whom responsibility for compliance should be placed.

Nicaragua. (3) Yes, the Ministry of Labour with the support of legislative, executive and judicial power. (4) Not persons, but institutions.

Oman. Chamber of Commerce and Industry of Oman: (1) Yes, after consultation with the competent authorities. (2)-(4) Yes.

Peru. (1) No, because supervision of the application of Conventions is regulated by the ILO Constitution and the handbook of procedures relating to international labour Conventions and Recommendations. Establishing different sanctions would violate these rules. (2) Yes, since there would be more and better supervision of activities which present a risk to children. (4) No, because the legislation should refer to institutions, not individuals.

Philippines. (1) Emphasis should be placed on establishments which engage in hazardous practices and on enforcement. (2) The instrument should focus on prevention. Appropriate direct assistance should focus not only on the child but on the parents as well. (3) Yes, for purposes of accountability and responsibility. (4) Yes, to make regulations effective.

Poland. Solidarnosc: The Convention should require the establishment of supervisory institutions that analyse children's employment conditions and have a competence comparable with labour inspection.

Portugal. (1) Yes, the Convention should provide for criminal penalties in appropriate cases. (2) Yes. It will be necessary to determine the type of measures in the Recommendation. (3) This would be a responsibility of member States, after consultations. (4) This Question is ambiguous and needs clarification.

CIP: (1) The issue of criminal sanctions should be left to the member State and is not a matter for the Convention. (3) and (4) The designation of appropriate authorities should be the responsibility of member States, as should the designation of responsible persons.

CGTP-IN: (1) Yes, because child labour, in its most abusive forms, is an intolerable social scourge. The ILO cannot avoid providing for sanctions against ratifying States when national legal mechanisms do not conform to the Convention. (2) Yes. Legislation prohibiting or controlling child labour is not enough. Control measures are needed, such as: providing children with alternatives to work; increasing the income of the most deprived families; providing information; training parents, children, teachers and others concerned; and providing compulsory schooling. (3) and (4) Yes. The phenomenon of child labour is so widespread and has such serious consequences that it is necessary to designate specific authorities to fight it effectively. The Convention should provide for the establishment, in each member State, of a new commission for its implementation at all levels which could intervene against intolerable child labour.

Qatar. (4) National laws should also define the responsibility of persons and bodies involved in the employment of children in hazardous work.

Romania. CSDR: (3) and (4) Yes.

Russian Federation. (1) For the effectiveness of the Convention, criminal penalties should be provided, especially for individuals who involve minors in acts listed under Question 7 (a) and (b). (2) State intervention is imperative, since extreme forms of child labour are often initiated by those close to the children. (3) This could be the body which coordinates and supervises the implementation of the Convention on the Rights of the Child.

San Marino. (1) Yes, provision should be made for criminal or administrative sanctions. (4) Yes. The existing public administrative machinery concerning labour should be responsible for monitoring the application and observance of the standards.

Slovakia. (1) National laws should state adequate criminal penalties. (4) Yes, possibly an "ombudsperson".

Slovenia. (1) Strict enforcement is needed. (4) Designation of the competent authority suffices.

South Africa. (1) It would be useful to list other enforcement measures such as preventive measures. This obligation should be given prominence.

BSA: (1) Yes, for extreme forms of child labour. However, there should be no criminal penalties for other forms. An intensive awareness campaign aimed at employers, parents and children, together with an effective school system, would be more appropriate for non-extreme forms of child labour. (2) Yes. In deciding measures, Members should bear in mind the basic reasons for child labour and take a holistic approach. (3) Yes. Under a holistic approach, more than one authority would need to work together to achieve the desired results. (4) Yes. The competent authority should define the persons responsible after consultation with the social partners and other key groups.

Spain. (1) National laws should be mentioned as they are needed to punish the offences. (2) There should be an obligation on States to combat child labour and undertake measures to integrate children into society after their withdrawal from extreme forms of child labour. (3) Given the diversity of the punishable acts, this should be addressed by national organizations. (4) Define the persons who could be punished and the different offences involved.

UGT: (2) Yes, with special emphasis on the eradication of the root causes of child labour, social inequalities and economic factors. (3) and (4) Yes.

Trade Union Confederation of Workers' Committees (CCOO): (3) and (4) Yes.

Sudan. (2) Yes, but this depends on national policies. (3) According to national policies related to labour relations.

Sweden. National and international follow up to the Convention is important. (3) The point in Question 17 on national monitoring machinery should be moved to the Convention and linked to this provision.

Switzerland. (1) and (2) This formulation is too vague and not sufficiently binding. Actions to be prohibited and eventually sanctioned should be made precise. The need to coordinate national policies on birth rate, education and the fight against poverty should be given prominence in relation to Question 10. (3) and (4) Yes, but in principle these are purely internal matters. If the creation of new authorities is not required, such an obligation is unnecessary.

UPS: (1) Yes, however adequate penal sanctions should, as a priority, aim at the practices listed in Question 7 (a) and (b). Evaluation of health issues under Question 7 (c), for instance, varies. Pragmatic measures for supervising and improving health would give better results. (2) Yes, but priority measures are education, which has a long-term effect, and reduction of poverty, which implies sustained economic growth. (3) Yes. (4) This should be settled at the national level.

CSCI/CNG: (1) Yes. Strict criminal sanctions are indispensable for effective implementation. (2) Yes. Resources are needed to assist exploited children.

USS/SGB: (1) Yes. (2) Delete "referred to in Question 7 above.". (3) and (4) Yes.

VSA: (1) Yes, but whether a country could provide sanctions against a multinational enterprise headquartered in that country for infringements committed in a foreign country should be debated. (2) Yes. Effective measures to provide children with necessary and appropriate direct assistance are particularly important. (3) and (4) Yes.

Thailand. (2) The Convention should provide that ratifying Members should pay attention to both mental and vocational rehabilitation. (3) Close cooperation among all agencies is indispensable. (4) Parents should also be included when defining responsible persons, to encourage them to protect children from being lured into child labour.

Turkey. (2) Delete "provide them with necessary and appropriate direct assistance".

TÜRK-IS: (1)-(4) Yes. (1) Indicate precisely the necessary precautions to be taken to make the Convention as much of a deterrent as possible. (3) Trade unions should be included as one such authority.

TEKSIF: (2) Delete "referred to in Question 7 above" to strengthen the commitment to preventing the new recruitment of child labour of any type.

Uganda. (1) Yes, because a serious gap is the lack of effective enforcement measures. (3) Yes, for purposes of effective monitoring, coordination and supervision of the Convention.

Ukraine. (1) The Convention should specify the practices subject to criminal prosecution (e.g. illegal trafficking of children, obstacles to general education, exploitation, non-fulfilment of obligations by the employer, fraud). The Recommendation should differentiate the degrees of responsibility of the offenders. (2) An "enforcement" mechanism is needed to make member States take appropriate measures designed to combat poverty, unemployment and illiteracy. The international community should target assistance to those countries which face problems with child labour for the establishment of special national supervisory bodies, labour courts, and legal education for children. (3) The Convention should determine a minimum list of functions for implementing bodies. Governments should decide independently, according to their existing supervisory structure, which bodies should be entrusted with these functions. (4) Parties to the Convention and the relevant enforcement bodies should have a clear-cut legal field of activities.

United Kingdom. TUC: (1) Yes. Delete "adequate" and insert "deterrent", because the main purpose of a new Convention should be to provide children with protection from exploitation and abuse. (2) Delete "referred to in Question 7 above" to strengthen the commitment to preventing new recruitment of child labour of any type. Add "and their families" after "to provide them".

United States. (1) There should be guidelines on what constitutes effective enforcement and who could make the determination. Strict enforcement of "adequate" penalties may be difficult to achieve. There is a need for sufficient flexibility which might be provided by the words "as appropriate". All parts of Question 9 raise federalism issues. (2) Yes, given the caveats mentioned above. To the extent that the restrictions referred to in Question 7 are consistent with and enforceable under United States law, the federal government may use civil injunctions and contempt actions against employers. Further, depending upon the specifics of state child labour laws and state aid and assistance programmes, state governments may use court orders against employers and/or may provide the concerned children with monetary assistance, housing, and medical and educational benefits. Along the lines of the Convention on the Rights of the Child, it would be appropriate to add the phrase, "especially the provision of free compulsory, primary education". (4) The meaning of this question needs to be clarified. It would appear that this level of detail is not necessary in a Convention.

USCIB: (1) No, the phrases "effective enforcement" and "strict enforcement of adequate criminal penalties" are too vague. There is not strict enforcement of adequate penalties but countries strictly enforce their laws within the limits of their resources. (2) Yes, only so far as it relates to matters within Questions 7 (a) and (b). (4) No, this provides detail not generally found in ILO Conventions.

AFL-CIO: (1) Yes, providing that the principal purpose of the Convention should be to provide protection to children from exploitation. (2) Yes, provided that the words "referred to in Question 7 above" are deleted to strengthen the commitment to preventing the new recruitment of any type of child labour. (3) Yes, in consultation with organizations of employers and workers. (4) Yes.

Uruguay. Employers: (2) This would offer a solution, since children work for economic reasons. (4) It is not clear whether persons refers to corporate persons or the State. It should be the State.

Venezuela. INAM: (1) and (2) The Convention should state that all necessary measures should be taken to enforce penalties for the offences against children specified in Question 7.

Penalties for exploitative labour should be administrative in nature unless serious physical injury has been caused. (3) and (4) Yes, where there is no authority already designated.

SENIFA: (1) Penalties are a necessary enforcement mechanism, but the causes of child labour should be addressed and the labour inspectorate well equipped. If penalties are provided it would be necessary to define the offences very carefully and the nature of the bodies responsible for enforcing them to avoid constitutional problems. (2) The text of the Convention should be linked to the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117). The creation of financial alternatives is essential to effectively eliminate child labour. Governments should commit themselves to strengthening social services agencies. (3) The Convention should designate a competent authority, either the employment department or the ministry responsible for social policy. (4) This point should not be left to national legislation or the competent authority. One of the two options should be chosen, preferably administrative rather than legislative.

CTV: (3) The competent authority should be designated and given decision-making powers. (4) This should be the subject of a Recommendation.

Yemen. (1) Members should commit to providing strict penalties against perpetrators.

The issues raised in Question 9 relate to enforcement of the provisions giving effect to the Convention and measures which would be required to achieve the immediate suppression of extreme forms of child labour. The high positive response rate to each paragraph by the governments and employers' and workers' organizations was generally attributed to the importance placed on effective enforcement, though the comments revealed differences in the type of measures governments considered to be the most essential or practical. Some countries wanted to see more detail in the Convention about the measures to be taken and the kind of violations for which criminal penalties should apply. Others wished to leave the determination totally to national law and practice. The four paragraphs have been included in *Point 11* of the Proposed Conclusions, with drafting changes to take account of the replies.

Paragraph (1)

Nearly all governments agreed that effective enforcement measures should be required, including, as appropriate, for criminal penalties — as did all workers' organizations and the vast majority of employers' organizations. In drafting the Proposed Conclusions, however, "as appropriate" has not been maintained, neither has "strict enforcement" nor "adequate" to describe criminal penalties. Rather, criminal penalties are to be among the measures taken, but when and how they are to be applied is left to national law. Because of the seriousness of the forms of child labour that are the subject of the Convention, it seemed that calling for criminal penalties would be appropriate both as a deterrent and to provide appropriate consequences for violations of provisions aimed at suppressing extreme forms of child labour. Those who have ratified Convention No. 29 are already subject to the obligation to punish forced or compulsory labour of children as a criminal offence and to ensure that the penalties are "really adequate and are strictly enforced". Numerous governments also reported that the actions listed in subparagraph (b) are already criminal offences. The wording does not exclude civil penalties or other kinds of sanction not mentioned. The Proposed Conclusions with a view to a Recommendation provide further guidance on measures, including a clarification of criminal offences (*Points 22-25*).

Paragraph (2)

The focus of paragraph (2) is on the obligation of ratifying Members to do two things: take effective measures to prevent children from entering or returning to extreme forms of child labour and to provide them with necessary and appropriate direct assistance for their removal from such labour and their rehabilitation. The comments primarily focused on examples of what the effective measures might be. Some called for more detail in the Convention to specify the measures, while others concentrated on the difficulties some countries would face in taking preventive measures and providing direct assistance — thus suggesting that national capabilities and levels of development should be taken into account.

The provision in paragraph (2) has been retained in the Proposed Conclusions as *Point 11 (2)*. The specific suggestions have been weighed against the considerable general support for this provision and the preference for flexibility and general principles in the Convention. A significant number of countries also emphasized that consideration should be given to national circumstances. To meet the concern for more specific guidance on the kind of measures and assistance referred to in this paragraph, the Recommendation gives examples of necessary and appropriate action *(Points 22-25)*. This allows for a national analysis of the specific kind of extreme forms of child labour that exist and the barriers to prevention and removal of children from such work or activity. In addition, the issue of national capability to provide direct assistance is addressed in Question 10 about international technical assistance and cooperation (subsequent *Point 12*). It will, of course, be for the Conference to decide if it wishes to take up suggestions for more detailed provisions in the Convention.

Paragraph (3)

There was little disagreement about this provision which would oblige ratifying States to designate the competent authority or authorities responsible for implementing the provisions giving effect to the Convention. The provision has thus been retained as *Point 11 (3)* of the Proposed Conclusions. Some cautioned, however, against the proliferation of authority, while there was also the acknowledgement that various government ministries and law enforcement agencies would need to be involved. As the term "competent authority" is understood to include "authority" or "authorities", the word "authorities" has been deleted.

Paragraph (4)

The provision in paragraph (4) is based on language in Article 9, paragraph 2, of Convention No. 138. "The persons responsible for compliance" referred to here are not the governmental bodies responsible for implementing and enforcing these provisions but those who are bound to comply with the law. In the majority of countries, the law holds the employer responsible for violations of child labour laws — those who employ or engage the young person and determine their conditions. There are also laws, however, which hold the parents or legal guardians of the children concerned responsible for certain matters such as compulsory schooling or violations related to their employment. Some countries make parents, guardians or caretakers criminally liable for causing or allowing a child to engage in prostitution. Agents or intermediaries might also be persons on whom the law places obligations. In no event does this pro-

vision mean that particular persons would be specified by law. It refers only to the categories of persons who must comply with the law and could be guilty of violating it.

The provision has been maintained as *Point II (4)* of the Proposed Conclusions.

Should the Convention encourage Members to assist each other in giving effect to the provisions of the Convention by means of international judicial and technical assistance or other types of cooperation? If so, which types? **Qu. 10**

Total number of replies: 101.

Affirmative: 90. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Dominican Republic, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 5. Egypt, India, Malaysia, Mongolia, Romania.

Other: 6. Cuba, Denmark, Germany, Japan, New Zealand, Sweden.

Algeria. UNEP: Yes.

Argentina. Yes. Such as those established by the Convention on the Rights of the Child.

Armenia. Trade Union Confederation of the Republic of Armenia: No.

Australia. The Convention should provide for cooperation in enforcement of laws and criminal and civil penalties. However, it should not create offences and deal with extraterritorial jurisdiction.

ACTU: Yes, emphasizing specific types of assistance including the supervisory mechanisms of the ILO, as well as technical cooperation focused on education.

Austria. Yes, through common prosecution of offences, cross-border police work and efficient international legal cooperation.

Belarus. Ministry of Social Protection: Yes. Measures could also include international seminars and meetings with experts.

BKPP: No.

Belgium. See the reply to Question 24.

Benin. UNSTB: The Convention should encourage the creation of cooperatives by NGOs and young people to reintegrate them into working life.

Brazil. Yes, through the exchange of experiences of successful initiatives to combat child labour.

CNTU: No. This is an internal matter within the sovereign competence of each country.

Bulgaria. International programmes and information exchange.

Committee for Youth and Children of the Council of Ministers: Bilateral agreements.

Cameroon. Assistance to developing countries in extending their labour inspection to the informal sector.

Canada. International cooperation could also include activities such as mobilizing resources for national and international programmes for the elimination of the most intolerable forms of child labour; institutional strengthening and organizational capacity-building; and exchanging information, experience and successful strategies. Also see the reply to Question 25.

CEC: Refer to other United Nations agencies, such as UNICEF, and their potential to assist.

CNTU: Yes. Economic and social cooperation with local NGOs and trade unions and inclusion of the Convention in a social charter binding upon all countries that have trade relations.

China. This assistance could include economic aid.

All-China Federation of Trade Unions (ACFTU): Yes. Coordination between United Nations specialized agencies; bilateral and multilateral agreements.

Colombia. Visits to exchange experiences.

DTT: Strict international criminal legislation punishing exploitation, abuse and mistreatment of children, which should be clearly distinguished from work carried out by children from age 12 to 17. The latter work is recognized as lawful, and even as positive and necessary, given the current levels of development, provided the work complies with current standards of protection.

ANDI: Yes. International cooperation with programmes such as IPEC are vital to developing countries.

Costa Rica. Members should be encouraged to exchange their experiences acquired through IPEC in different countries and assess the benefits gained from different measures and the errors committed.

Croatia. All types of cooperation, which should be specified in detail in the Recommendation.

Cuba. The Convention should constitute the framework for States who wish to establish bilateral cooperation to meet specific problems posed by national legislation and practice. Effective forms of cooperation could include dissemination and exchange of information, the mobilization of resources for national and international programmes to create suitable conditions for eliminating child labour and the creation of an economic and social environment conducive to preventing child labour.

Cyprus. Cyprus Workers' Confederation (SEK): Regular conferences, seminars and training programmes to exchange information.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: No.

Denmark. This provision is relevant but it should be included in the Recommendation. The ILO's existing supervisory machinery should be extended to cover the new instruments.

LO/FTF: Use should be made of the technical support offered by the ILO and other United Nations agencies as well as the ILO's supervisory system.

Dominican Republic. CONEP: No. This would be dangerous due to pressures from countries that could use these types of cooperation for purposes that had nothing to do with the Convention.

Egypt. Yes, through the exchange of experience in addition to international technical and financial assistance.

El Salvador. Yes, exchange of experience through regional fora and meetings and promotional campaigns.

Eritrea. This should take the form of technical assistance only, because judicial assistance would be difficult to coordinate.

Estonia. Association of Estonian Trade Unions: There should be a standardization of prohibited occupations and programmes of vocational training.

Finland. Cooperation between the police, customs, labour protection and other similar authorities; developing registers of parties who use child labour; more detailed research into the economic issues related to child labour; and technical cooperation projects.

SAK, STTK, AKAVA: The role of the ILO's monitoring and technical cooperation mechanism should be stressed, as should the role of the ILO within the United Nations.

France. CFDT: Emphasize the existing supervisory machinery and technical cooperation of the ILO, and recognize the ILO as the main United Nations agency dealing with child labour.

Gabon. Through bilateral or multilateral agreements, and the strict application of extradition laws.

COSYGA: Any form of cooperation as this exploitation extends beyond all borders.

Germany. As a provision encouraging States to act cannot be violated, it would be more appropriate to include this in the Recommendation.

DGB: Yes, labour inspection, support and protection of children and social integration.

DAG: Yes.

Ghana. Exchange of personnel and practical experiences.

Greece. See replies to Questions 24 and 25.

Guatemala. FESEBS: Yes, this assistance should be legal, social and by sector.

CUSG: Experiences should be exchanged, statistical data on violations of the Convention collected and regional investigations undertaken.

Haiti. Institution building, seminars on standards and assistance with statistics.

Honduras. Assistance, advisory services, courses, seminars, and horizontal cooperation.

CCTT: Cooperation concerning social and economic assistance and integrated support for children, including integration into an effective educational process.

COHEP: Only when the country adopts inadequate measures. The Convention should establish that internal standards should apply first.

CTH and FECESITLIH: Regional and international bodies, similar to the national juvenile courts, could be set up to guarantee compliance with the provisions or the processing of complaints.

India. It is impractical to include this provision in a Convention because it can have diverse interpretations. The initiative for technical or judicial assistance should lie with the receiving country.

Iraq. Bilateral agreements.

General Federation of Trade Unions (GFTU): Cooperation in the prevention of activities pursued by groups across countries.

Ireland. ICTU: Emphasize actions to tackle poverty, which is the root cause of child labour.

Italy. Provide for coordination between the ILO and other international organizations. There should be cooperation between international bodies and member States in the preparation of statistical data according to sex, age and sector to define priority areas of action at the national and international levels. Extradition should be a general practice. It should be indi-

cated who would bear the costs of the transfer of the accused to the country in which the legal proceedings take place.

CGIL, CISL, UIL: See the reply to Question 5.

Jamaica. JEF: No. This would be better dealt with in the Recommendation.

Japan. Information exchange should be encouraged in the Recommendation. Taking into account differences in national legislation, any international judicial assistance should not immediately affect national trial procedures. Because assistance and cooperation should be initiated by Members, and some kinds are not suitable for judicial supervision, it is not appropriate to include the provision in the Convention, but it could be in the Recommendation.

JTUC-RENGO: Yes.

Jordan. Conclusion of bilateral cooperation agreements between States.

ACI: Exchange of expertise and experiences.

Kenya. Yes, through technical assistance, and member States should form an international body, such as the one which deals with drug abuse.

Republic of Korea. KEF: No.

Kuwait. Yes, through bilateral judicial and technical protocols between States.

Lebanon. Judicial assistance should be included in the Recommendation.

Lithuania. Lithuanian Workers' Union: International agreements on judicial mutual assistance.

Malaysia. This should be left to the member States.

MTUC: Yes.

Mauritius. Technical cooperation and new forms of assistance by IPEC programmes.

CMT: The ILO should set up an International Court.

FCSU: Yes. Personnel, financial and technical assistance.

Mongolia. MEA: Yes.

Myanmar. Yes, cooperation of a regional type.

Namibia. It is desirable but sovereignty should be respected.

Office of the Labour Commissioner: Yes.

Nepal. Poverty alleviation programmes through income-generating activities and sensitization campaigns to create awareness of the problem.

Netherlands. CNV: Specific education programmes on alternatives to work, and raising awareness in families.

VNO-NCW: Governments should commit themselves to continue giving financial and technical assistance through ILO-IPEC. Other possible forms of assistance could include a country or group of countries "adopting" a selected country on a bilateral basis.

New Zealand. While technical assistance or other types of cooperation are worthwhile and should be encouraged, not all ILO members States have the capability to offer such assistance. Moreover, this should not be a binding commitment. Existing development programmes should be used as much as possible. International judicial assistance could be encouraged as long as such assistance could be provided in accordance with national laws on mutual assistance and extradition.

NZEF: Agrees with the Government that it should not be in the Convention. None the less, ILO technical and economic assistance is important in eliminating exploitative forms of child labour.

NZCTU: Yes. In accordance with existing reciprocal agreements between Members.

Nicaragua. Exchange of experience between governments, promotion and execution of IPEC programmes and tripartite consultation.

Norway. Emphasize the existing ILO supervisory and technical cooperation mechanisms.

Oman. Chamber of Commerce and Industry of Oman: Yes, for example through bilateral agreements between Members to implement judicial awards.

Peru. Any international technical cooperation would be appropriate.

Philippines. Measures could include welfare assistance to the child worker's family; skills training for the child worker's parents; alternative livelihood schemes for parents; technical and financial assistance; regular conferences and dialogues with regional Members. Such mechanisms could be established by intersectoral or bilateral cooperation.

Poland. Exchange of information on cases of child labour, employers' practices, and national legislation and practice.

OPZZ: Cooperation should include mutual legal and technical assistance, mutual information exchange, exchange of experiences on control and prevention activities.

Portugal. Yes. The problem justifies mutual assistance to ensure the efficacy of the Convention.

CIP: No reason can be seen for a reference to mutual assistance between States.

CGTP-IN: Yes. Exchange of information, both on techniques adopted and results obtained, is always useful. In addition, in view of the international dimension of some forms of child exploitation, close cooperation between member States, especially at the jurisdictional level, is essential.

Qatar. Exchange of information on laws and regulations and on those involved in child abuse and exploitation, particularly when they are linked to organized networks.

Romania. CSDR: Yes.

Russian Federation. Types of cooperation could include exchange of information, legal cooperation in defending and returning children to their country of origin, and social assistance for children. Such assistance should be extended regardless of nationality and on a non-reimbursable basis when children move between countries as a result of extreme forms of child labour.

San Marino. It is important that information on people who breach the provisions of the Convention in one State is communicated to the authorities in their home State.

Saudi Arabia. Exchange of experience and information.

South Africa. BSA: No. This should be in the Recommendation. "Other types of cooperation" should not include interference in international trade relations.

Spain. Cooperation through bilateral agreements, International Criminal Police Organization (Interpol) interventions, and relations with the United Nations Committee on the Rights of the Child is essential.

UGT: Development programmes that prioritize sustained local development in areas with a high percentage of child workers, with the participation of the most representative social organizations.

Suriname. Exchange of data and experience.

Sweden. Yes, but this should be in the Recommendation.

Switzerland. Inclusion of mutual judicial assistance, technical assistance, such as from IPEC, and exchange of information is desirable. However, details of different types of cooperation should be defined precisely so that they have practical effect. Cooperation should not be limited to international judicial assistance, which covers a wide range of acts. It is likely to take more than certain types of assistance to encourage ratification. Experience has shown that cooperation is more fruitful when NGOs and competent police authorities act together, at the national and international level, such as through Interpol.

CSC/CNG: Yes, in particular judicial assistance in cases of trafficking and sexual exploitation of children. Technical assistance needs to be intensified.

USS/SGB: Yes. Existing ILO supervisory machinery and technical cooperation and ILO's competence as the primary organization within the United Nations system concerning child labour should be emphasized.

VSA: Yes.

Thailand. Cooperation through Interpol, participation of NGOs and community organizations.

Turkey. Yes. Exchange of information and experience should also be encouraged.

TÜRK-IS: Yes. Goods produced with child labour should be identified to the public to enable consumer boycotts. Families of working children should be financially supported.

TEKSIF: Emphasize ILO supervisory and technical cooperation mechanisms, focusing on education.

Uganda. States could hold conferences or seminars to share experiences and information, and could adopt joint programmes and establish international networks to mobilize resources.

Ukraine. Through exchange of experience, development of an interstate information base following the pattern of ILO publications on the world of work; and multilateral and bilateral cooperation. Also see reply to Question 9 (2).

United Kingdom. Assistance in the area of child trafficking should be encouraged. Other types of cooperation could include funding of projects and sharing of good practice.

TUC: Yes. Members should cooperate in intergovernmental action on child trafficking to prevent trafficking and to return trafficked children, on punishment of paedophile sex tourists, and to identify and reach out to communities where children are at special risk, such as children who are living on the street, those at risk of becoming street-living children, and those in danger of becoming victims of trafficking. Such a provision in the Convention would require forms of national action proposed under Question 12 (d) to be the subject of international cooperation. This point should also emphasize the existing ILO supervisory and technical cooperation mechanisms, and stress the primary competence of the ILO within the United Nations system for tackling child labour.

United States. Yes. This should be encouraged. International judicial assistance is understood to be technical judicial assistance and extradition, where warranted, under existing bilateral and multilateral agreements. The ILO should explore various and innovative methods for technical assistance.

USCIB: No. This item is more appropriate in a Recommendation. As drafted, it is unclear.

AFL-CIO: Yes, emphasizing the existing ILO supervisory and technical cooperation machinery, and stressing the primary competence of the ILO within the United Nations system on child labour issues.

Venezuela. INAM: Support would be useful for setting up information systems on child labour conditions, and exchanging and publishing experiences on suppressing exploitative labour.

SENIFA: Exchange and publication of information is useful in terms of evaluating national initiatives and learning from successful experiments. Other types of cooperation could include exchange visits and meetings and dissemination of programme reports.

CTV: Yes. Workshops, seminars and forums, with active community participation.

Yemen. Poor countries should receive support for education and vocational training.

FCCI: To prevent children from taking up work, material support should be provided by organizations to poor countries to help needy families.

FWU: Yes. Members should assist in providing housing, education, medical treatment and vocational training for appropriate jobs, since the elimination of this phenomenon is a joint responsibility.

Zimbabwe. National programmes of action and information sharing.

The majority of replies favoured this provision stating it was important to achieve effective application of the Convention. The rationale for such a provision was to provide a way of ensuring, through mutual assistance and support, that measures could be taken immediately to suppress extreme forms of child labour. The issue was serious enough that it should not only be a national priority for those countries with the most serious problems, but also one to which the international community would respond. Some governments and employers' organizations, however, believed this was a more appropriate provision for the Recommendation. Concerns raised were about the appropriate level of detail in the Convention and about how such a provision could be enforced; it was also wondered whether judicial assistance would have to be subject to national law regarding mutual assistance and extradition.

The corresponding *Point 12* has been drafted in a general way, stating that member States should take steps to assist each other through international cooperation or assistance, and highlighting judicial and technical assistance in eliminating extreme forms of child labour. Judicial assistance is particularly relevant due to the sale and trafficking of children and to the transnational movement of perpetrators, such as those involved in sex tourism.

Obligations for international cooperation are included in other international instruments. For example, States Parties to the Convention on the Rights of the Child are to take all appropriate national, bilateral and multilateral measures to prevent the exploitative use of children in prostitution or other unlawful sexual practices and in pornographic performances and materials. (Article 34).

Numerous other suggestions were made, both under this question, and in answer to Questions 24 and 25, such as an exchange of information, which are for consideration by the Conference.

IV. Content of a Recommendation

New Point

Point 13 states that the provisions of the Recommendation should supplement and be applied in conjunction with those of the Convention. Several provisions of the Recommendation are specifically connected with the Convention, such as the kinds of work or activity considered to be extreme forms of child labour under *Point 9 (c)*. At the same time, the Recommendation is self-contained and is drafted to refer to national provisions on the suppression of extreme forms of child labour, whether these are enacted pursuant to the Convention or not.

National programmes of action

(1) Should the Recommendation provide that Members should, as appropriate, within the framework of a national policy for the elimination of child labour, design and implement national programmes of action to eliminate all extreme forms of child labour? **Qu. 11**

(2) Should the Recommendation provide that such national programmes of action should be designed and implemented in consultation with relevant government institutions, employers' and workers' organizations, and other concerned groups?

Paragraph (1):

Total number of replies: 107.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Eritrea, Slovenia.

Other: 6. Canada, Mexico, New Zealand, Norway, Sweden, United States.

Paragraph (2):

Total number of replies: 105.

Affirmative: 97. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 3. Mongolia, New Zealand, Norway.

Other: 5. Eritrea, India, Mexico, Sweden, United States.

Algeria. UNEP: (1)-(2) Yes.
CGOEA: (1)-(2) Yes.

Argentina. Yes, such as the programmes set up under IPEC.

Australia. (1) This item presupposes that there should be a national policy for the elimination of child labour, the objective of Convention No. 138, but the proposed Recommenda-

tion should focus on the development of programmes of action directed at the elimination of extreme or exploitative forms of child labour. (2) Children, especially child workers, should be included in concerned groups, as appropriate.

ACTU: (1) The text should be modified to read: Members should, as appropriate, within the framework of a "comprehensive" national policy for the elimination of child labour, design and implement national programmes of action "to prioritize the elimination of all extreme forms of child labour". (2) Replace "and other concerned groups" with a separate sentence as follows: "Such consultations should also be taken with other concerned groups."

Austria. (2) "Other concerned groups" should include domestic and international NGOs.

Belarus. BKPP: (1) and (2). No.

Belgium. See reply to Question 6. National programmes should consider the issue of minimum age, even if it is in a more flexible way than in existing ILO instruments.

Brazil. (1) Yes. A defined policy is necessary to achieve the objectives. (2) Yes, to ensure greater effectiveness in the application of the programmes.

Canada. (1) A national policy should focus on the most intolerable forms of child labour, not on the elimination of all forms of child labour. (2) Also provide consultation with other United Nations agencies and individuals, such as experts.

CEC: (1) The focus should be on extreme forms of child labour. (2) Add consultations with relevant United Nations agencies.

Colombia. (2) These consultations are necessary to ensure that those who help implement the measures are aware and committed.

DTT: Policies to eliminate child labour should be incorporated into policies to combat exploitation, abuse and mistreatment of children.

ANDI: Yes. Since the serious repercussions of child labour affect all sectors of society, all sectors should contribute to the search for solutions to the problem.

Croatia. Not only extreme forms, but all forms of child labour. Alternatively, provide that national policies should contain overall activities for the welfare of children.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (1) According to the situation in different countries. (2) Yes.

CMK OS: (1) Same proposal as made by ACTU under Australia.

Denmark. LO/FTF: Employers and workers should play a central role in the drafting and implementation of national programmes so that causes of child labour become part of the solution.

Egypt. (1) Programmes of action would be effective. (2) Yes, to harmonize the views of the social partners and private associations concerning the best solution for the problem of child labour.

El Salvador. (1) Yes, developing specific projects. (2) Yes, it is essential to obtain agreement among the different sectors.

Eritrea. (1) and (2) No, because of insufficient resources and capacity.

Ethiopia. (1) Without a national programme of action, a concerted effort is not possible to combat child labour at the national level.

Finland. (1) The Recommendation should, as indicated in the question with the words "as appropriate", take into account the considerable differences in situations and conditions in the various countries. (2) The tripartite principle would promote efficient and extensive operations. Extensive cooperation among the various parties involved, together with networking, would also help to achieve a broad acceptance of responsibility.

SAK, STTK and AKAVA: (1) and (2) Same proposals as made by ACTU under Australia. (2) The proposed change would better distinguish tripartite cooperation. Both paragraphs could be included in the Convention.

France. CNPF: (1) Yes. Compulsory education should be a priority. (2) No. The Recommendation establishes general principles. States must implement them according to their circumstances.

CFDT: (1) and (2) Same proposals as made by ACTU under Australia. Consultation with "other concerned groups" should not be on the same level as with employers' and workers' organizations.

Gabon. (1) Programmes should consider the realities of each country. (2) All interested parties should be involved.

COSYGA: (1) Yes, because principles are useful only if their implementation is effective. (2) All interested groups should be involved to ensure national approval of the programmes.

Ghana. (2) To achieve maximum effect and cooperation, all three social partners must be involved.

GNCC: (2) Employers and workers are in a better position to monitor child labour.

Greece. (2) Yes, for programmes to be successful.

Guatemala. Yes, so the programmes are widely known and applied.

CACIF: (2) To ensure that the issue is dealt with in accordance with technical and political criteria, consultations should be limited to public authorities and the productive sector.

CUSG: (2) Yes. To avoid duplication of effort, maximize resources and encourage social involvement.

Guyana. (2) If such programmes do not currently exist.

Honduras. COHEP: (1) Provide that the process be gradual, with predetermined time periods. (2) Yes, because this would involve civilian society and enhance awareness of the need for the abolition of the most intolerable forms of child labour.

CTH and FECESITLIH: (1) Country conditions make it difficult to eliminate child labour, however the most serious forms of child labour should be eliminated through national programmes. (2) Such consultations would enhance the democratic process. It would be useful to involve all sectors.

India. (2) Yes. The Recommendation should avoid reference to "other concerned groups".

Ireland. ICTU: (1) Yes. The framework should be based on a partnership approach with agreed implementation structures. (2) Having regard to the ILO tripartite structure, the reference to "other concerned groups" should be separate, and should include a reference to "child workers' associations".

Italy. (1) Yes. National laws are numerous, although insufficiently applied. Obligations resulting from ILO membership should be insisted upon. (2) Yes, and there is a need for greater publicity so that the maximum number of bodies are aware of the programmes of action and contribute to them.

Jamaica. JCTU: (2) The emphasis should be placed on consultation among the social partners. However, the role of other interested groups should not be ignored.

Japan. (1) and (2) Yes, if Members are allowed to make decisions on the formulation and implementation of action programmes on the basis of the national child labour situation.

Jordan. FJCC: (1) No. Unless expenditures were covered by grants in aid, national programmes could burden developing countries. (2) It is preferable that all parties participate.

ACI: (2) Experience and procedures would be very useful to correct shortcomings.

Kenya. (1) Yes, provided extreme forms of child labour are as defined in Question 7.

COTU: (1) Yes. This is justified by the harm caused to children and the denial of educational opportunities. (2) Yes, for action programmes to achieve meaningful results.

Lebanon. (1) States should determine the necessity for, and content of programmes.

Lithuania. Lithuanian Labour Federation: (2) No.

Mauritius. CMT: (2) Yes, so that all concerned may exercise their right to be heard.
FCSU: (1) Yes. National programmes of action would help to promote education and disseminate information.

Mexico. (1) Any reference to the elimination of child labour must be avoided, as it is the intolerable forms of child labour that have to be eradicated. (2) As far as consulting government institutions is concerned, provisions in national legislation have to be respected. The coordination between these bodies, as mentioned in Question 18, could be provided.

Mongolia. MEA: (1) Yes, for the type of work mentioned in Question 7. (2) Yes.

Namibia. (2) Programmes will be popular if they benefit from the cooperation of all those concerned.

Netherlands. FNV: (2) Yes. In such a way, however, that involvement of other groups in no way dilutes the tripartite character of these consultations.

New Zealand. (1) A national policy for the elimination of child labour should not be referred to because not all forms of child labour are harmful, and, in many countries there is considerable decentralization of functions and responsibilities among government agencies for the physical and emotional well-being of children. The ILO should encourage including policies for the elimination of exploitative forms of child labour in already existing national plans of action for children and reporting on them under the Convention on the Rights of the Child. (2) Consultation should be conducted in accordance with national practice, although there should be provision for young people to have the opportunity for input.
NZCTU: (1) and (2) Shares the concern about the phrase "a national policy for the elimination of child labour" but supports programmes aimed at the elimination of extreme forms of child labour.

Nicaragua. (1) Yes, define general action strategies. (2) Yes. Eradicating the most intolerable forms of child labour is a cause of concern for the whole society, not just the government.

Norway. (1) Same proposals as made by ACTU under Australia. (2) The text at the end of the paragraph should read: "and, if appropriate, with other concerned groups".

Oman. Chamber of Commerce and Industry of Oman: (1) Yes. This is the most appropriate manner to address the issue, with supervision through the competent international bodies. (2) Yes, to facilitate implementation.

Pakistan. (1) Such an arrangement could lead to cooperation and assistance from international organizations, such as the ILO, in framing national strategies. (2) Without consultation, it might be difficult for the government alone to carry out its programme for the elimination of child labour.

Peru. This should be feasible within the framework of national programmes.

Philippines. (1) Programmes of action must be part of the overall development vision of the country with the ultimate goal of eliminating all extreme forms of child labour. The Recommendation should also provide for effective enforcement and implementation as well as a monitoring mechanism by which Members may assess their performance on the progressive elimination of child labour. (2) All stakeholders should be part of the process.

Portugal. (1) Yes. Such national action programmes should incorporate the immediate and effective steps referred to under Question 7.
CGTP-IN: (1) Yes. The ultimate goal of such programmes would be to help solve the difficulties in immediately eliminating the most extreme forms of child labour, and to pave the way for the total elimination of child labour. (2) Yes. It is vital that governments understand that the fight against child labour requires the practical and effective intervention of all authorities and government bodies, not only those responsible for labour issues, but also those responsible for education, health, the family, youth, communication, and economic and social development. The involvement of groups in each community that are in daily contact with the problem at the grassroots level is also necessary, such as local government, representatives of

employers' and workers' organizations, non-governmental social solidarity organizations and the like.

Qatar. (1) Yes, provided that "as appropriate" means that the programmes are subject to the assessment by each member State of its conditions and the nature and extent of the problem. (2) Such bodies should be involved in prioritizing and implementing programmes.

Russian Federation. National programmes of action should be developed since the problem is intersectoral.

San Marino. (2) Add NGOs and interested groups such as private citizens' associations.

Slovakia. (1) National programmes play an important role in the elimination of child labour.

Slovenia. (1) To avoid duplication, this should be developed within the National Programme of Action for the implementation of the Rights of the Child.

South Africa. (1) This should not imply that if there is no national policy there is no obligation.

BSA: (1) Yes, subject to the definition of "extreme forms of child labour". (2) It is essential for the success of any programme to involve the social partners. Emphasis should be put on schooling.

Spain. UGT: (1) Yes, but action should be taken to eliminate all forms of child labour.

Sudan. (1) Yes, so as to activate enforcement of national laws. (2) Yes, to ensure effective application and awareness.

Sweden. This should be moved to the Convention. See Question 7.

Switzerland. (1) These provisions should be in the Convention for binding effect.

UPS: (1) Programmes of action should concentrate on a few priorities, first the most intolerable forms of child exploitation, to make the best use of available resources. (2) Consultations are necessary to take account of reality. The parents of concerned children should be involved as much as possible.

USS/SGB: Same proposals as made by ACTU under Australia.

VSA: (1) Yes. (2) Yes, the inclusion of "other concerned groups", such as children's organizations and specialized relief organizations, is particularly important.

United Republic of Tanzania. Yes, to help focus on local problems and improve national capacity.

Turkey. TISK: (1) Designing national policies for the elimination of child labour is impossible in developing countries because of the level of economic development, social cohesion and cultural values. A large number of extreme forms of child labour have been prohibited by national legislation; however, Question 7 (c) is unclear and rather comprehensive. (2) Yes. The relevant measures foreseen in this provision are important and beneficial concerning the national conditions in Turkey.

TÜRK-IS: (1) Yes. These should reflect the experiences of different countries. (2) Yes. This will help to ensure an accurate and suitable approach.

TEKSIF: Same proposals as made by ACTU under Australia.

Uganda. (2) All stakeholders need to be consulted.

Ukraine. (1) National programmes of action may contain short-term measures. They should be concrete and open to the supervisory machinery of the ILO. (2) The sequence of steps in developing, coordinating, approving and implementing these programmes in accordance with national laws should be set.

United Kingdom. (1) Yes. Member States should be able to draw on expertise and support from the ILO. (2) The provision should acknowledge children as a concerned group, pursuant

to Articles 12 and 13 of the Convention on the Rights of the Child concerning the right of children to participate in decisions that affect them.

TUC: Yes. (1) and (2) Same proposals as made by ACTU under Australia. (2) The Recommendation should not be worded to undermine existing procedures based on tripartite consultation. The change still acknowledges the role of NGOs and other groups.

United States. (1) The phrase "as appropriate" provides helpful, perhaps sufficient, flexibility. This paragraph seems to anticipate that each member State will take action against "all extreme forms of child labour," as part of an overall programme on child labour. Taken literally, the broad phrase "elimination of child labour" could mean that the member State is expected to attack all child labour. The United States has no national policy for the elimination of all child labour. On the contrary, United States laws permit certain forms of child labour. (2) See comment about consultation under Question 8.

USCIB: (1) and (2) Yes, provided matters contemplated by Question 7 (c) are not included in the definition of extreme forms of child labour.

AFL-CIO: (1) and (2). Same proposals as made by ACTU under Australia.

Uruguay. Employers: (2) The national programmes do not need to be developed after tripartite consultation. This belongs to the competence of the State which can receive initiatives and suggestions from any group, but should not delegate the matter to them.

Venezuela. Enforcement of legislation to protect child and adolescent workers should be emphasized. National programmes of action are invaluable in promoting preventive measures and eliminating employment of children under the age of 12. (2) It is appropriate to involve individuals, child workers and administrative bodies. The more involved that these groups are the better their input and collaboration.

SENIFA: (1) The Recommendation should urge Members to promote national programmes in their countries and cities. It should also contain guidance on the content of regional and national programmes. (2) Yes. The Recommendation should also encourage these groups to enforce programmes at State and local level.

Yemen. (2) These bodies are the starting-point for the implementation of programmes aimed at the elimination of child labour.

In view of the large majority of replies in support of a provision on national programmes of action, *Point 14* has been included in the Proposed Conclusions with a view to a Recommendation. Some governments suggested that this provision was so important to ensuring effective implementation of the Convention that it should be in the Convention itself. However, a significant number of replies wished to maintain this kind of detail in the Recommendation. The provisions of Question 12 have also been included under *Point 14*, paragraph 3, so that the entire provision on national programmes of action is in one point.

Paragraph (1)

There are two parts to this paragraph. The first concerns the design and implementation of national programmes of action to eliminate extreme forms of child labour. The second asks whether these should be within the framework of a national policy for the elimination of child labour. The vast majority of replies supported this provision. However, divergent opinions were expressed as to the mention of national child labour policies. One group, primarily some governments and many workers' organizations, wanted the reference to national policies for the elimination of child labour to remain and to reinforce it by inserting "comprehensive" to describe national policies. The other group, governments and a number of employers' organizations,

reiterated their preference for no mention of child labour in general, even though "as appropriate" might have provided sufficient flexibility. The use of "as appropriate" in the question was intended to take account of different situations: countries which had national policies for the elimination of child labour, those which were committed to pursuing one because of their ratification of Convention No. 138 or those where the child labour problem warranted the adoption of one. The rationale for looking at action on extreme forms of child labour within a broader policy perspective was explained in *Child Labour: Targeting the intolerable*: the problem can be attacked on a lasting basis only if short-term action is conceived within the framework of a national policy that gives primacy to preventive measures, including the provision of free, universal, compulsory education, community mobilization, and other supportive measures.

Point 14 has been drafted to take into account the various views. There is no direct reference to national policies but "as a priority" is included. This is consistent with the approach expressed in the Preamble to the instruments — that the immediate suppression of extreme forms of child labour should be the priority of national and international action for the abolition of child labour. It is also consistent with the replies that wanted to keep the instruments focused on extreme forms of child labour.

Paragraph (2)

As the clear majority of the replies support the provision, it is included in *Point 14* (paragraph (2)). It was generally agreed that wide consultations would ensure that the knowledge needed to design programmes would be available and that groups necessary for their effective implementation would be involved. Several workers' organizations, however, suggested that putting the reference to "other concerned groups" in a separate sentence would better distinguish and reinforce tripartite consultation. Some wanted a specific reference to children or child workers' representatives.

Qu. 12 *Should the Recommendation provide that, as part of national programmes of action referred to in Question 11 above, Members should promote and support programmes which:*

(a) identify and denounce all extreme forms of child labour?

(b) prevent children from entering or returning to, and remove them from, all such forms of child labour; protect them from reprisals; provide them with direct assistance and services including education; provide, as appropriate, for their rehabilitation through measures which address their physical, emotional and psychological needs; and provide for their social integration?

(c) inform, sensitize and mobilize public opinion and interested groups through targeted campaigns?

(d) identify and reach out to communities where children are at special risk in order to take preventive and remedial measures?

(e) give special attention to children under age 12?

(f) take account of the special problems of girls?

(g) other? Please specify.

Subparagraph (a):

Total number of replies: 104.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 3. Eritrea, New Zealand, Singapore.

Other: 2. Japan, Mexico.

Subparagraph (b):

Total number of replies: 103.

Affirmative: 97. Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Honduras, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Argentina, New Zealand.

Other: 4. Japan, Lebanon, Mexico, Phillippines.

Subparagraph (c):

Total number of replies: 104.

Affirmative: 100. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Esto-

nia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. New Zealand, Singapore.

Other: 2. Japan, Lebanon.

Subparagraph (d):

Total number of replies: 103.

Affirmative: 100. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Jordan, New Zealand.

Other: 1. Japan.

Subparagraph (e):

Total number of replies: 105.

Affirmative: 97. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 4. Croatia, New Zealand, Slovenia, Slovakia.

Other: 4. Belarus, Canada, Guyana, Japan.

Subparagraph (f):

Total number of replies: 100.

Affirmative: 93. Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Philippines, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 5. Australia, New Zealand, Pakistan, Peru, Slovakia.

Other: 2. Japan, Portugal.

Subparagraph (g):

Total number of replies: 62.

Affirmative: 46. Australia, Bahamas, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Croatia, Cuba, El Salvador, Estonia, Ethiopia, Finland, France, Guatemala, Honduras, Hungary, Italy, Jamaica, Jordan, Kenya, Lebanon, Luxembourg, Morocco, Myanmar, Netherlands, Nicaragua, Norway, Pakistan, Panama, Philippines, San Marino, Slovenia, South Africa, Spain, Sri Lanka, Sudan, United Republic of Tanzania, Turkey, Uganda, United Kingdom, Uruguay, Venezuela, Zimbabwe.

Negative: 16. Cape Verde, Cyprus, Dominican Republic, Fiji, India, Iraq, Republic of Korea, Kuwait, Mexico, Mongolia, Namibia, Nepal, New Zealand, Peru, Singapore, Slovakia.

Algeria. UNEP: (a)-(c) Yes, (e) and (f) Yes.
CGOEA: (a)-(c) Yes, (e) and (f) Yes.

Argentina. (a) To eradicate child labour, direct action following denunciation of extreme forms of child labour should also be contemplated. (b) This is insufficient to constitute an international standard. The policies should be established by Members. (c) Yes, particularly to ensure compliance with existing legislation. (d) Yes, but "communities" should be replaced by "sectors" to make the provision less conducive to discrimination. (f) Yes, because girls are apparently more vulnerable on account of their sex.

Australia. (a)-(e) The scope and detail of national programmes should be determined by Members in the context of national circumstances. (f) While special programmes may be beneficial, addressing problems where girls predominate should not be gender-specific, as boys may be affected as well. (g) Special programmes for homeless or abandoned children.

Australian Chamber of Commerce and Industry (ACCI): (c) and (d) Agrees with the government's reply. (f) Yes.

ACTU: (e) Revise to read: " to give special attention to young children". (f) Yes. (g) Add "examine the relationship between exploitation of child labour and the violations of relevant ILO standards; and identify the extent to which child labour is present in subcontracting and homeworking arrangements".

Austria. (e) Special attention should be given to children under age 14. (g) Stress the importance of education in human rights. The complex network of causes of child labour should be explained through appropriate didactic material.

WKÖ: Yes.

Bahamas. (g) The disabled.

Belarus. (e) Special attention should be given to children under age 14.

Ministry of Education and State Committee on Youth Affairs: (e) Yes.

Ministry of Social Protection: (f) Take into consideration the reproductive function of girls.

Council of the Trade Union Federation: (e) Yes.

BKPP: (a)-(g): No.

Belgium. (d) A number of ethnic minorities and refugees constitute groups at risk.

Brazil. (d) Yes. A better picture of the situation is needed. (e) Yes, since these children are the most vulnerable. (f) Yes, since they may be sexually exploited. (g) Incentive programmes for families should be established to ensure children attend school regularly and to guarantee family income.

CNI: (a)-(f) Yes. (g) Working conditions should be established that are compatible with the developmental stage of each country.

CNC: (a)-(f) Yes.

CGT: (a)-(f) Yes. (g) Incentive programmes should be established to ensure children attend school. Councils should be established to monitor the application of the programmes.

Bulgaria. (g) The Recommendation should also provide that Members support the national programmes.

Committee for Youth and Children of the Council of Ministers: (a)-(c) Yes. (d)-(f) No. (g) It should be provided that programmes take account of national legislation.

Bulgarian Industrial Association: (a)-(f) Yes.

Cambodia. (g) Regularly monitor children's health.

Cameroon. (e) Yes, to the extent that the envisaged types of work have more serious physical and emotional consequences at this age. (f) In close cooperation with specialized institutions for youth. (g) Other objectives should reflect national characteristics.

Canada. (a) Yes, provided there is sufficient flexibility in defining "hazardous work" as proposed in the answer to Question 7 (c). Also see comments under Question 1 on terminology. (b) Examples of measures include community support projects, economic reforms, improved educational opportunities for children, vocational training and upgrading of skills. Also see reply to Question 9 (2). Insert after the words "including education": "or ensure that these are available". This would encourage participation of the public and private sectors consistent with the need for strengthening institutional capacity. (c) Add a paragraph on informing children of their rights and parents about the risks their children face. (e) Give special attention to children under age 14 and clarify "special attention". Young children are more vulnerable to physical, chemical and other hazards and to economic exploitation. (f) Change "problems" to "situation". The Beijing Platform for Action speaks of the special vulnerability of girls to violence, sexual exploitation and abuse. (g) Perhaps special attention also to children with disabilities, child soldiers, children from lower castes, refugees, ethnic minorities and tribal orphans. Support should be available to families and communities, as well as to children.

CEC: (c) This subparagraph appears to be encompassed in (a) and, therefore, redundant. (d) Add that child workers be informed of their rights. (f) This type of problem should be addressed in consultation with the parties mentioned under Question 13 (a).

CNTU: (g) Assure support not only to children, but also to their families.

China. ACFTU: (a)-(f) Yes. (g) International aid programmes should be included.

Colombia. ANDI: (g) Yes. It is a priority to establish mechanisms to obtain reliable statistical information on the number of child workers, the abuse and exploitation to which they are subjected, their needs, and alternative solutions to the situation. Also the establishment of centres for recording and certifying the absence of child labour in enterprises.

Costa Rica. (g) Consider adopting a code to protect children against sexual harassment.

Croatia. (e) The proposed instruments determine 18 years as the age limit. There is no reason to single out children under 12. Special attention should be given to all children. (g) National programmes in each State should include measures particular to the situation in that State.

Cuba. (e) Special attention should be given to children under age 15. (f) Yes, particularly those involved in domestic work. (g) Yes, programmes that ensure that educational systems deliver the education required by law, including the necessary infrastructure, adequately paid qualified teachers, job creation, education programmes and training for the parents of working children.

Cyprus. (f) Yes, but the measures should not be discriminatory on grounds of sex.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (a) and (b) Yes. (c)-(f) No.

General Confederation of Employers' Unions: (a)-(e) Yes. (f) No.

CMK OS: (a)-(f) Yes. (e) Refer to young children instead of those under age 12. (g) Same proposal as made by ACTU under Australia.

Denmark. (e) Give special attention to children under the age of 14, which is the absolute minimum age established in ILO Convention No. 138. Another possibility would be to fix the age limit at 15 years in line with national and European level regulation.

LO/FTF: (e) The age limit should be 15 years.

Dominican Republic. (e) Give special attention to children under age 14.

Egypt. (a) and (e) Same as reply to Question 11 (1). (f) Yes, because they are the future mothers who will be responsible for the education and development of future generations.

Federation of Egyptian Industries: (a) No.

El Salvador. (a) Yes, as a call for a social commitment to the protection of children. (b) Yes, by opening up capacity in health care, education and recreation establishments to take in these groups. (e) Yes, with emphasis on education, health and recreation. (f) Yes, by means of an awareness campaign at family-, school- and community-level — in that order — involving all on a non-discriminatory basis. (g) Guarantee basic education and preventive health-care in a sound environment.

Eritrea. (a) No, due to insufficient resources and capacity.

Estonia. Association of Estonian Trade Unions: (e) No. (g) Obstacles relating to school obligations and traditions.

Ethiopia. (f) Yes, because, if account is not taken of the multifaceted problems of girls, it will be impossible to implement programmes effectively. (g) Promote and support children who are already engaged in hazardous work or occupations, street children and migrant working children.

Finland. (c) Increasing public awareness about and mobilizing against child labour among children, families and communities is essential if an end is to be put to the use of child labour.

(d) The cost effectiveness and far-sightedness of preventive measures should be stressed. (e) If children under the age of 12 are being used in harmful operations, all means must be mobilized to protect them. This must not lead to the practice of allowing children over the age of 12 to work in operations that might be harmful. (f) Increased attention should be paid to the special problem of girls because their work is often hidden. However, this must not lead to a higher tolerance of harmful activities for boys. (g) The role of education should be emphasized. National programmes will vary depending on country conditions. Each country should define the necessary measures and target areas for itself.

SAK, STTK, AKAVA: (e) The text should include "young children". The phrase "under age 12" should be omitted to avoid the danger of lowering the minimum age of 15 required by Convention No. 138. (g) Same proposal as made by ACTU under Australia.

France. (g) Take account of the forms of work specific to the situation of the country.

CNPF: (e) Yes, but an age limit should not be determined in an arbitrary manner. (g) Yes. Advertise national penalties in the mass media.

CFDT: (e) Yes. Refer to "young children" so as not to undermine the minimum age of 15 in Convention No. 138. (g) Same proposal as made by ACTU under Australia.

Gabon. (a) Yes, to ensure follow-up and prepare future actions for a complete elimination of child labour. (d) In particular among the poorest classes.

Gabonese Confederation of Free Trade Unions (CGSL): (d) Yes, to avoid child labour from spreading.

COSYGA: (c) Yes, to diffuse information on the dangers of child labour.

Germany. (b) Yes. In addition, structural measures should be envisaged for the alleviation of poverty.

BDA: (c) Involve not only the interested groups, but also the parties concerned — families and parents.

Ghana. GNCC: (e) Special attention should be given to children who are required to attend school, particularly those who have not completed basic education. (g) Disabled children.

Greece. (a) The criteria of "extreme forms" of labour need to be defined. The expression is not clear. (b) These programmes should include social assistance so that parents are not forced to place their children in work. A free and high level system of education is also important. Social integration of children, especially girls, should be the government's main concern. (d) To ensure an efficient policy, programmes must have a thorough grasp of the branches of activities where child workers are exposed to serious dangers. (e) Yes, because of their lack of experience, curiosity and unawareness of the dangers. (f) Girls are the most vulnerable and susceptible to sexual abuse. Their social rehabilitation is difficult.

Guatemala. (c) Yes, to ensure that international legislation is effectively implemented and enforced. (d) Yes, in fireworks factories, lime and rock quarries. (e) Yes, because they should be in school. (f) Yes, because they are a very vulnerable group. (g) Gradual eradication of child labour in the informal sector and general improvement in the working conditions of adolescents.

CACIF: Yes. However, there should also be programmes aimed at integrating children in the education system. Simplistic solutions which do not offer alternatives and a means of support will only aggravate the situation.

FESEBS: (e) Yes, but attention should also be given to young people. (g) Family unity and the political will of the State is vital in this area.

Guyana. (b) Yes, with assistance from the private sector. (e) Special attention should be given to all children under the age of 15. (f) Counselling should be provided for girls who are victims of abuse, particularly sexual abuse and exploitation.

Honduras. (b) This would require strict control by the competent authority. (d) Research is essential to carry out these actions. (g) Support programmes for economically struggling families with more than four children.

CCIT: (e) Yes, since this is the age requiring the greatest guidance. (f) Yes, since girls are more likely to be exposed to abuse. (g) Prepare children to develop their future careers.

COHEP: (a) Yes, irrespective of whether such forms exist in a country or not. (b) Yes, through a sensitization campaign, a preventive educational programme and support programmes for families. (d) Yes, through laws, regulations, manuals and publicity campaigns. (e) Provided that educational considerations take priority over economic concerns. (f) Yes, since girls' circumstances and work are more vulnerable to exploitation and abuse. (g) Members should support programmes which prevent economic exploitation, recruit disabled workers, promote integrated education and foster the integrated development of children.

CTH and FECESITLIH: (e) No, all children under the age of 18 deserve special attention. (f) No, boys are also exposed to dangers. (g) A provision to guarantee that Members ratifying the Convention are subject to strict sanctions to ensure compliance with the Convention and its correct application.

India. (b) Yes, but implemented within the available resources of the national government.

Iraq. GFTU: (b) These measures would be useless if not accompanied by a replacement income for families. (d) Add "wherever necessary" because this may be important in particular States only.

Italy. (a) Stress the need for the participation of governmental and non-governmental bodies. (b) The programmes should be more detailed with emphasis on education and rehabilitation. (d) Such identification would be easier to undertake at the local level. (e) Yes, in particular in rural areas where control is more difficult and the phenomenon is more widespread. (f) Yes, in particular concerning tourism and domestic work. (g) Evaluation of the family situation; promotion of the employment of adults; promotion of education, information and sensitization of public opinion.

CGIL, CISL, UIL: (e) No. No age restrictions for cases covered by this Convention should be prescribed. The provisions should apply to children under 18 years of age as prescribed in Article 3, paragraph 1, of Convention No. 138. (g) See the reply of the Government.

Jamaica. (g) Give special attention to persons with disabilities.

JEF: (b) Consider that such assistance would be subject to the capability of the country.

JCTU: (e) Age 12 seems to be in conflict with the specification of age 15 as the minimum age for employment in Convention No. 138.

Japan. (a)-(f) Because child labour conditions differ considerably among Members, it is necessary to allow Members themselves to decide upon the content of their action programmes. Accordingly, wording such as "in accordance with national conditions" should be inserted in each paragraph.

Jordan. (d) No. The measures should be generally applied, not limited to a particular area. (g) Programmes should stress compulsory education until a certain age and rehabilitation.

ACI: (c) The media should be used as an instrument to arouse public interest. (d) and (e) Yes. (f) Girls deserve special attention and measures to ensure their protection because they are more exposed to abuse and harassment than boys. (g) The education system should create awareness among students about child exploitation and maltreatment.

FJCC: (a) Financing is the main obstacle. (f) This may be appropriate for some societies, but not all. (d) and (e) Yes. (g) Focus on education including cultural education.

General Federation of Jordanian Trade Unions (GFJTU): (d) and (e) Yes.

Kazakhstan. Trade Union Federation: (g) Yes. Consider the specific problems of very young boys.

Kenya. (g) Child labour in subcontracting and homework.

COTU: (a) Yes. The definition of extreme forms of child labour should be specific. (b) Yes, child labour is largely invisible and the substitution of one form of child labour with another is common. (c) Yes, public opinion must be mobilized to condemn child labour as an intolerable labour practice. (d) Yes, some societies are more vulnerable due to economic, social and cultural factors. (e) Yes, as they are the most vulnerable. (f) Yes. Girls are potential mothers and act as child minders from an early age. (g) Address extremely exploitative and unhealthy workplaces.

Republic of Korea. FKTU: (e) "Children under age 12" should be changed to "young persons".

Kuwait. (a) Yes, through ministerial orders issued by the competent authority. (b) Yes, social assistance, social care, education, and tribunals for young persons should be provided. (e) Yes, however, attention should be given to children of all age groups by the ministries concerned, including ministries of education, health, social affairs and labour.

Lebanon. The word "support" needs clarification as to whether it refers to advocating or material support. The interpretation of support should be left to Member States. (a) The ILO should provide data on extreme forms of child labour to give member States guidance, where appropriate, when establishing their agendas on such forms of child labour. (b) These programmes are very important, but also very broad in concept and subject to national capability. The extent of assistance and direct services is not clear because there is more than one subject. (g) Training programmes suited to the physical and mental capacity of children to enable them to carry out work that is suitable for their age, taking into account the minimum age for admission to employment in each member State.

Lithuania. Unification of Lithuanian Trade Unions: Special attention should be given to children under the age of 14.

Luxembourg. (b) This should be included in the proposed Convention because providing assistance and services is imperative for eliminating child labour. (g) Include migrant workers.

Malaysia. MTUC: (g) Compulsory education up to age 15 should be provided as well as vocational schools for children who drop out of school.

Mauritius. CMT: (a) Yes, this is in the government's interest. (b) Yes, education should be compulsory up to a certain age. (c) and (d) Yes. (e) Yes, special attention should be directed at all children under 12. (f)Yes, to protect them from prostitution. (g) Include programmes aimed at combating trafficking in children.

FCSU: (a) Yes. (b) Yes, this is essential for the proper growth and rehabilitation of the child. (c) Yes, through information, education and training. (d) Yes, proper follow up is needed for such action by concerned authorities. (e) and (f) Yes. (g) National programmes should be included in the school curriculum from the pre-primary stage, in collaboration with the Parent Teachers' Association.

Mexico. (b) It should be borne in mind that this is a difficult task and social programmes aimed at improving the living conditions of young people should be introduced gradually. Given the level of investment required, some countries might find it problematic to introduce these programmes. (c) Conducting awareness-raising campaigns would help sensitize employers, parents and society to the dangers of placing children in work when they are too young and intolerable forms of child labour, particularly when they involve risks to the health, morality and well-being of children. (d) Yes. However, when children are involved in illegal work, such identification can only be effective in the medium and long term, because the clandestine nature of such activities affects the speed with which action can be taken. (f) Yes, in some countries child labour affects girls more frequently and at an earlier age.

Morocco. The Recommendation should provide that the competent authorities should take the measures necessary to ensure that working children are provided with sufficient information about the hazards to which they are exposed at work, and to direct them towards suitable work, which facilitates their vocational and social integration.

Namibia. (a) Yes, through awareness raising and education campaigns. (b) Programmes of this nature would protect the rights of the child. (d) Communities can be assisted to realize the danger of child labour and its negative effects. (e) Yes, because they are vulnerable. (f) Girls should be protected, especially against sexual exploitation and abuse.

National Union of Namibian Workers (NUNW): (e) No.

Netherlands. (b) This should read "provide both children and their families with direct assistance and services including education." (e) Children under the age of 12 should not work. They should be provided with a minimum of 4 to 5 hours of compulsory education. (g) Consider the special case of children from lower castes, refugees, ethnic minorities, tribal orphans and disabled children.

FNV: (g) Yes. Identify the extent to which child labour is present in subcontracting and homeworking arrangements.

New Zealand. (a)-(f) The measures described are too descriptive and not exhaustive. While useful, their implementation would vary according to national policy and practice. (f) The Beijing Platform for Action contains a number of strategic objectives and actions to protect the girl child that are relevant to the proposed instrument and could be considered by member States when promoting and supporting programmes which take account of the special problems of girls.

NZEF: While the measures themselves are worthwhile, no consideration is given to the difficulties which might be involved in putting many of them into effect.

NZCTU: (a) and (c)-(f): Yes.

Nicaragua. (b) Yes, with the support of UNICEF, NGOs, IPEC and those involved in workers education. (g) Punish crimes against children, internationally, irrespective of the country in which they have been committed.

Norway. (e) Refer to "young children". Reference to age 12 may weaken the minimum age limit of 15 specified in Convention No. 138. (g) Same proposal as made by ACTU under Australia.

Confederation of Norwegian Business and Industry (NHO): (e) Yes.

Oman. Chamber of Commerce and Industry of Oman: (a)-(f) Yes. (g) Provide training to children who have not completed their education to prepare them for employment

Pakistan. (a) This would provide an opportunity to adopt a direct approach. (b) These measures are needed. However, developing countries cannot meet financial and technical requirements on their own. Assistance from international agencies is necessary. (c) This is urgently needed, particularly for countries that face extreme poverty. (d) It is necessary to identify areas where children are at risk. (e) Children under age 12 warrant special treatment as they are unaware of the risks involved in hazardous work. (f) Such a measure is not necessary. Problems children face are generally identical, regardless of gender. (g) Yes. In developing countries, specialized training for supervisory bodies is needed.

Panama. (g) Yes, motivate parents and educators so that children will not work.

Peru. (b) Yes, to protect their psychological and social state. (c) The mass media have an important role to play in making all levels of society aware of the reality of living conditions in their own country. (d) The children at risk should be identified. (e) Yes, because this is the most vulnerable group. (f) No, a distinction between boys and girls in relation to child labour cannot be made.

Philippines. (a) Yes, but there should be some room for flexibility, especially since some Members may not be able to end certain forms of child labour immediately. The programmes should have targets. (b) Members cannot be required to support such programmes of action. Such programmes may be conducted after intervention to secure a source of income to the child worker's family. (d) Interventions should take the entire family into consideration. (f) This should be a priority. (g) Debt bondage and construction work for boys.

Poland. OPZZ: (f) Yes. (g) Yes. Programmes should give health, social and legal assistance.

Portugal. (a)-(e) Diagnosis of situations based on the collection and analysis of data; education, health and other social assistance to families; awareness raising and mobilizing public opinion; identification of occupations and areas of priority intervention; and special measures for minors under age 12 would represent key elements in these programmes. (f) The distinction between boys and girls concerning the exploitation of child labour might not be relevant to industrialized countries, but there is a different reality in other regions.

CIP: (a)-(f) Yes.

CGTP-IN: (a) Yes. The covertness of these situations, and the general silence about them, are some of the reasons for their persistence. (b) Yes. Enacting legislation is not enough. It is more important to create effective protection for children and offer them alternative opportunities in life. (d) Yes. The incidence of child labour is not the same in every region and must be considered when taking action to eradicate child labour. (e)Yes. Younger children are more vulnerable to risks of exploitation. (f) Yes and no. A distinction might not be relevant to Western countries; however, it may be relevant in other areas of the world where, for cultural reasons, women remain in a position of inequality with respect to men. It may therefore be necessary to take account of the specific situation of girls, particularly in the areas of bondage and sexual exploitation.

Qatar. (d) Yes, this is important to address the root of the problem. (f) Problems of girls may have serious and far-reaching consequences; their effects on social development are extensive.

Russian Federation. (a) These should include earmarking funds for special services to expose the problem, supporting children involved in extreme forms of child labour, and organizing information and educational campaigns.

San Marino. (g) Consider consequences resulting from migration and include children in situations of war or civil unrest and children involved in irregular adoptions.

Slovakia. (e) Special attention should be given to all children under age 18. (f) The special problems are the same for boys and girls.

Slovenia. (e) All children should get equal attention. (g) Refugee children.

South Africa. (a) "Identify" and "denounce" are different actions and perhaps should be identified separately. (b) Yes, but within the means of the member State. (g) Endeavour to listen to and take into account the concerns of children.

BSA: (a) and (b)Yes. The actions listed would have a much more positive effect than criminal penalties. (d) Communities should be seen in a wide context and not limited to, for instance, an economic sector. (e)Yes, special measures could include a total ban aimed at both employers and parents. (f) Yes, girls are more vulnerable to despicable and extreme forms of child labour such as prostitution and pornography. (g) Programmes aimed at fighting poverty, specifically among very poor communities.

Spain. (b)-(d) Essential. (e) The need is apparent. (f) Yes, provided the concerns are of a specific nature.

UGT: (a) Yes. Adequate measures to prevent extreme forms of child labour should be adopted. (b) Yes. It is important to involve the community and families. (g) The economic status of families of child workers should be improved.

CCOO: (g) Full education and full physical and psychological development should be ensured.

Sri Lanka. (g) Special attention should be devoted to children in domestic service.

Sudan. (e) Children under age 12 should not be allowed to enter workplaces. (f) Girls need more attention. (g) Children undertaking vocational training should be exempt.

Switzerland. UPS: (b) Available resources need to be taken into consideration. Efforts to improve educational systems are essential. (f) Yes, but the problem of girls is perhaps better solved through education.

USS/SGB: (e) and (g) Same proposal as made by ACTU under Australia.

United Republic of Tanzania. (f) Yes, because they are the most vulnerable group exposed to sexual harassment and discrimination. (g) Disabled children.

Turkey. (b) Add "where possible", before "provide them with direct assistance . . .".

TISK: (a) Yes, but the meaning of "extreme forms of child labour" is not clear. (b) Yes, but the objective should be to enhance working conditions and ensure school enrolment, since, at present, preventing them from entering work is unrealistic. (f) In this section, the age criteria are unclear.

TÜRK-IS: (d) Yes. Reaching out to training centres for apprentices, owners of workplaces and families of working children and explaining the conditions of working children at special risk would be very useful. (g) Yes, child street vendors and children working in the agricultural sector.

TEKSIF: (e) and (g) Same proposals as made by ACTU under Australia.

Uganda. (g) There should be national programmes of action to mobilize requisite resources.

Ukraine. (a) Yes, this is vital to combat abuses in the sphere of child labour. (b) The State has a role in supporting these children and their families. Activity should be aimed at rehabilitation and financial assistance. (c) Specialized information bulletins could be prepared and the public could be involved in identifying cases of extreme forms of child labour. (d) Such communities should be registered, taking into account their national and religious background. This problem should be addressed carefully and concretely to avoid resistance. (e) The use of children under age 12 should be treated as a crime against society.

United Kingdom. (a) Yes, the ILO should provide advice on identification of successful approaches. (b) Yes, it should be made clear that this would be a gradual process and that member States would not be expected to implement all of these initiatives with immediate effect, but could prioritize the most appropriate and urgent initiatives. Developing the education sector of the country, as part of a wider strategy for poverty elimination, should provide an effective means to tackle many of these problems. (d) Yes, this should include children who have weakened links with their families, who live or work on the street or who are internally displaced or refugees. It should define groups which are particularly vulnerable and open to exploitation and children from ethnic minorities, to take preventive and remedial measures to address the needs of these children within the context of their communities. (e) Yes, some children are perfectly able and willing to carry out light, non-industrial, part-time work by about the age of 13. It seems reasonable, however, to treat children below this age a little differently without drawing attention away from children over age 12. The aim should be to eliminate all forms of intolerable child labour, giving special attention to the most vulnerable groups, including children under age 12. (f) Yes. Special attention should be given to the most vulnerable groups. The current wording implies that only girls have special problems. Girls or boys may have special problems according to their circumstances, even if, in the majority of cases, special problems accrue to girls. The Recommendation should take full account of the special problems of girls in line with the outcome of the 4th World Conference on Women. (g) Yes, children with disabilities.

TUC: (b) Yes, but add "and their families". Add "and the financial needs of their family," after psychological needs. (d) Yes. Add after "special risk": "such as street-living children, those at risk of becoming street-living children, and those in danger of becoming victims of trafficking". (e) A better formulation would be: "give special attention to forms of employment which are particularly hazardous to young children" so as not to reduce the importance of the age threshold of 15 in Convention No. 138. (f) Add: "such as discrimination in their access to education and in forms of employment which are particularly hazardous to their reproductive

health." (g) Add "examine the relationships between exploitation of children and other violations of relevant ILO standards; and identify the extent to which child labour is present in subcontracting, homeworking, domestic service and agriculture."

United States. In general, yes, except as noted below. (a) This could be troublesome if the standards in the Convention or Recommendation on "extreme forms of child labour" are drafted to sweep in some of the employment for children permitted under United States laws. See comments on Questions 7, 8 and 11. (b)-(d) These would probably be acceptable, in that they would recommend that governments remove children from intolerable situations, provide appropriate assistance of various sorts, and make significant outreach and educational efforts. The ILO should provide some interpretation and guidance regarding terms such as "rehabilitation" and "social integration." It is anticipated that "rehabilitation" and "social integration" would be particularly relevant to situations where children have been exploited in debt bondage, prostitution and the like. (e) Yes. Tackling the child labour problem requires setting priorities. It therefore makes sense to first target the most vulnerable children. The United States might agree to such a provision if it were interpreted to mean that the government is expected to provide "special attention" in the nature of health care or education for these employed children. (f) This presents the same concerns as subparagraph (e). United States law on child labour makes no distinction based on the child's sex. Thus, this would be problematic.

USCIB: (a)Yes, but excluding matters contemplated in Question 7 (c). (b), (c) and (d) Yes. (e) No. The issue is eliminating extreme forms of child labour. Age distinctions confuse the issue and implicate Convention No. 138. (f) and (g) No, the focus of the Convention and Recommendation should be the elimination of extreme forms of child labour without distinction as to race, sex, etc.

AFL-CIO: (a)-(d) Yes. (f) and (g) Same proposals as made by ACTU under Australia.

Uruguay. (g) Programmes should support education for the world of work.

Employers: (f) The objectives should be specified. (g) General and vocational education and maintaining the income of parents.

Workers: (e) Special attention should be given to children under the age of 14.

Venezuela. INAM: (a)-(f) Yes, such programmes are essential to protect children and adolescents working in conditions which endanger their physical, moral and social well-being.

SENIFA: (c) Databases should be created with information on extreme forms of child labour in each country. These should be disseminated by the mass media, including Internet.

CTV: (a)-(f) Yes, to ensure greater State involvement.

Yemen. (a) Yes, to sensitize society about the depth of the problem and risks involved. (c)Yes, to raise awareness of the problem at national, community and workplace levels. (e) As young children are weaker, programmes should prevent them from undertaking this type of work. (f) Flexibility is required to make programmes successful.

FCCI: (b) Yes, at least at the minimum acceptable level to achieve the objective. (c) Yes, particularly in view of the lack of knowledge of the risks and negative consequences of child labour. (f) Many societies are conservative towards girls, with the exception of the protection of girl's privacy. (g) Address the problem of partially handicapped children.

FWU: Yes. (g) The Recommendation should also provide for alternatives to replace family income and ensure the necessary livelihood for families otherwise compelled to put their children to work. Easy and safe work for children over age 10 is better than delinquency.

Zimbabwe. (g) Handicapped or culturally disadvantaged girls.

The majority of replies generally supported the programme elements suggested in the question and many suggested others that could be added to the list. There were a few countries which believed that the scope and details of national programmes should be left entirely to determination at the national level so that the national cir-

cumstances would dictate programme elements. Others raised concern about the availability of sufficient resources to promote and support such programmes.

The provisions of Question 12 have been incorporated into *point 14*, as paragraph (3), so that the entire provision on national programmes of action is in one point. Due to the drafting change there are no longer issues about the words "promote" and "support". The order of the subparagraphs has been changed; those dealing with very young children and girls (subparagraphs (e) and (f)) have been moved up to (b) and (c) to reflect their particular importance in eliminating extreme forms of child labour.

The original subparagraph (b) [(d) in the Proposed Conclusions] has been slightly revised to emphasize the measures that would have to be taken to remove children from extreme forms of child labour and rehabilitate them. Most replies supported the original subparagraph (c) [(e) in the Proposed Conclusions]. A suggestion has been taken up to specifically mention children and their parents. There seemed no need to refer to "targeted" campaigns since programmes aimed at particular groups would, by definition, be targeted.

The original subparagraph (d) [(f) in the Proposed Conclusions] was also widely supported, though some governments suggested that the term "sectors" rather than "communities" be used to avoid the possibility of actions being viewed as discriminatory toward certain communities.

Support for subparagraph (e) was based on the special vulnerability of very young children to exploitation and their inability to assess risk and hazards due to their youth. Some suggested that the reference should be to "young children" rather than to children under 12, as it might undermine the minimum age set in Convention No. 138. This provision is not meant to undermine existing standards. The lowest age allowed for light work is 12 under exceptions to the minimum age of 15 in Convention No. 138. In prioritizing action, IPEC also targets the most vulnerable — including very young children under age 12.

In view of the number of replies that pointed to the fact that girls are particularly vulnerable to exploitation and abuse, the word "situation" is used instead of "problems". This is also to take account of the views of those who did not want to see the implication that boys did not also have serious problems. The girl child is identified as a priority target group within the IPEC strategy for a number of reasons: their work is often invisible, they are socialized to be more docile, education of boys is often favoured over that of girls, etc. There were some countries that believed this provision could be discriminatory. The provision is included as subparagraph (c).

Subparagraph (g) asked if there were other items to be included. There were numerous suggestions for adding groups of children with special vulnerabilities, such as the disabled, migrants, homeless or abandoned, domestic workers, ethnic minorities, lower castes, tribal orphans, child soldiers and so on. Based on these comments, a provision has been added to take account of other groups of children with special vulnerabilities or needs, calling attention to the fact that in designing programmes, the needs of various groups of children, depending on the national situation and prevalence of extreme forms of child labour, should be considered.

A number of workers' organizations proposed specific research items to examine the relationship between exploitation of child labour and violations of relevant ILO standards and to identify the extent to which child labour is present in subcontracting and homeworking arrangements.

HAZARDOUS WORK

Qu. 13 *Should the Recommendation provide that the determination of the types of work to which Question 7 (c) above applies, should:*

(a) be made in consultation with the organizations of employers and workers concerned, where such exist, and, to the extent possible, with experts such as medical, child development, and occupational safety and health professionals?

(b) take full account of relevant international labour standards?

(c) take full account of the physical and psychosocial development of the child?

(d) be examined periodically and revised as necessary?

Subparagraph (a):

Total number of replies: 105.

Affirmative: 101. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 0.

Other: 4. Lebanon, Mexico, New Zealand, United States.

Subparagraph (b):

Total number of replies: 104.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. India.

Other: 4. Lebanon, Mexico, New Zealand, United States.

Subparagraph (c):

Total number of replies: 104.

Affirmative: 102. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 0.

Other: 2. Mexico, United States.

Subparagraph (d):

Total number of replies: 105.

Affirmative: 103. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. New Zealand

Other: 1. Mexico.

Algeria. UNEP: (a)-(d) Yes.
CGOEA: (a)-(c) Yes .

Australia. (a) Yes. However, there are likely to be difficulties consulting employers involved in extreme or exploitative forms of child labour as they are often operating illegally and are unlikely to be represented in organizations of employers.

ACTU: This provision should be included in the Convention under Question 7, with the following changes: (a) Delete "where such exist". (c) Add "educational" to physical and psychosocial development.

Benin. (d) Yes, taking into account scientific and technological innovations.

Cambodia. (a) In accordance with the ILO Constitution. (b)-(d) In accordance with Convention Nos. 77, 78 and the Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124).

Canada. (a) Add sociologists and public advocacy groups with expertise and involvement in the child labour issue. (b) Add "or their underlying principles" after "relevant international labour standards". This question also recognizes that basic workers' rights and obligations, including eliminating the most intolerable forms of child labour, are implied in the ILO Constitution. (c) See reply to Question 7.

CEC: (a)-(d) Yes. Active involvement of all interested parties is necessary to ensure decisions are made with full knowledge of local circumstances.

CNTU: (a)-(d) Yes.

Chile. (d) Yes, but the following text is suggested: "subject to periodic review as necessary."

Colombia. DTT: Yes, provided that a distinction is drawn between children under age 12, for whom no medical examination would apply, since they are totally prohibited from work, and working children from age 12 to 17 who are subject to the compulsory medical examination prescribed by Conventions Nos. 77, 78 and 79.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (c) Taking into account national differences. (d) Taking into account the stage of development of branches or activities.

Czech Confederation of Employers' Unions: (b) No.

CMK OS: See Question 7 (c). (a) Yes. Delete "where such exist". (c) Yes. Include the "educational development of the child".

Denmark. (b) Yes, although it should not lead to fixing too low a level.

LO/FTF: (a) Delete "where such exist".

Egypt. (a) Yes, to widen the base for consultations and develop a comprehensive view of all aspects of the problem and solutions.

El Salvador. (a) Yes, this kind of analysis would mean stronger support. (c) Yes, as a group with special rights, the development and training of children must be promoted. (d) Yes, it is essential to adapt the theoretical framework for new realities.

Eritrea. (a) Yes, this would help realize the aims of the Convention. (b) This could help evaluation and strengthening of enforcement.

Ethiopia. (a) Yes, determination of these types of work needs the expertise of various disciplines.

Finland. (a) This kind of joint responsibility makes it possible to get the best available expertise on prevailing conditions and the factors related to children's development. Application at national level should be promoted by developing legislation in cooperation with employers' and workers' organizations. (d) Since the aim is impossible to achieve everywhere immediately, it will be necessary to examine the situation periodically to ensure that progress continues, at least gradually.

SAK, STTK, and AKAVA: Questions 13 and 14 should be in the Convention.

France. CFDT: Same proposals as made by ACTU under Australia.

Gabon. (a) Yes, to make the Convention coherent and efficient. (d) Same comment as Benin.

COSYGA: (d) The results achieved by existing instruments should not be questioned.

Germany. BDA (b) Yes, provided the word "full" is deleted, as it may not be possible to take account of every provision in other ILO standards.

Ghana. (a) This must be determined by a consensus of all relevant bodies. (c) Yes, because it is not only harmful to the child but harmful to the socio-economic development of the nation. (d) Yes, to ensure that policies and programmes are compatible with national realities.

Ghana National Commission on Children: (a) No, it is adequate to determine hazardous work in consultation with employers' and workers' organizations. (d) This will take care of unforseen developments particularly in the science, technology and chemical industries.

Guatemala. (a) Yes, to develop measures which are realistic and technically viable. (c) Yes, in accordance with the policy to protect child and adolescent workers.

CACIF: (d) The groups specified in (a) should determine the types of hazardous work. The list should be revised periodically to include new forms of hazardous work and eliminate those no longer a problem.

Honduras. COHEP: (b) Yes, to separate work from exploitation. (c) Yes, to ensure the integrated physical, intellectual and social development of the child. (d) At least every six months and subject to the preparation of reports.

CHT and FECESITLIH: (c) Yes, as there are children who are obliged to work to survive.

Indonesia. (b) As provided in Convention No. 138.

Iraq. GFTU: (a) Delete "such as medical" and replace with "in the related fields of" because the contemplated types of work are those endangering health, safety or morals.

Ireland. ICTU: Same proposals as made by ACTU under Australia.

Italy. The Recommendation should provide for the prohibition of all types of work for children under age 15. Between 15 and 18 years, access to employment should be regulated with a list of particularly dangerous types of work prohibited to this age group. This list should be open ended, given the development of new activities and technologies.

Jamaica. JCTU: (a)-(d) Perhaps this could be dealt with better in the Convention.

Jordan. (d) Yes, to take developments and child labour conditions into account.

ACI: (a) Medical consultations and other consultations are necessary. (d) This could be done through workshops, lectures and public information.

FJCC: (a) No, this is not necessary since legislation provides that all parties are supposed to be committed. (b) No, national circumstances differ. (c) No this is too subjective a standard.

Kenya. (d) Yes, as determined by the competent authority after consultation with the most representative organizations of workers and employers.

COTU: (a) Yes, all are stakeholders. Trade unions are concerned about the quality of the workers of tomorrow, including the health of those workers. (b) Yes, for example Conventions Nos. 13, 29, 100, 105, 122, 155, 161, 167 and 170.[1] They define best practices. (d) Yes, economic, social and cultural practices are dynamic and changing.

Kuwait. (b) Yes, to ensure that the aim of Convention No. 138 is taken into account.

Lebanon. (a) The phrase, ". . . with experts . . . and health professionals," should be replaced with "bodies concerned with child labour, which seem appropriate for the competent authority to consult". (b) Relevant standards should provide guidance, but member States

[1] White Lead (Painting) Convention, 1921 (No. 13), Forced Labour Convention, 1930 (No. 29), Equal Remuneration Convention, 1951 (No. 100), Abolition of Forced Labour Convention, 1957 (No. 105), Employment Policy Convention, 1964 (No. 122), Occupational Safety and Health Convention, 1981 (No. 155), Occupational Health Services Convention, 1985 (No. 161), Safety and Health in Construction Convention, 1988 (No. 167), Chemicals Convention, 1990 (No. 170).

should not be obliged to ratify them. Because a member State may not have ratified all relevant standards, the word "full" should be omitted.

Mauritius. CMT: (a) No, the government is responsible for the interests of children and should decide accordingly. (b) Yes. (d) Yes, because the issues may change.
FCSU: (a) Yes. (c) Yes, these are essential to the child's growth.

Mexico. (a)-(d) Member States should independently decide which forms of labour are to be considered hazardous for children. This should be done with the collaboration of employers' and workers' organizations, and with the assistance of various experts under national legislation.

Namibia. (a) Yes, to solicit understanding and cooperation. (b) Yes, as these are standard agreements between the ratifying States. (c) Yes, to ensure the proper development of the child. (d) Where practical or if there is reason for concern.

Netherlands. CNV: (a), (b), and (c) should be included in the Convention.
FNV: The elements in Question 13 should be in the Convention.

New Zealand. (a) Consultation should be conducted in accordance with national practice. Consultation with experts should take place during the drafting of legislation and young people should have an opportunity to provide input. (b) Yes, if the intention is to raise awareness. No, if linkages are drawn to impact upon the interpretation of any new instrument. The new instrument should stand alone. (d) This is another area which should be subject to national policy and practice. Its added value is questionable.
NZCTU: (a)-(d) Yes.

Nicaragua. (c) This must be linked to the minimum age for admission to employment, provided it does not exceed the compulsory school-leaving age.

Norway. These provisions should be revised and moved to the Convention under Question 7 (c). (a), (b) and (d) Same proposals as made by ACTU under Australia.

Oman. Chamber of Commerce and Industry. (a)-(c) Yes. (d) Yes, according to changes in circumstances and developments.

Pakistan. (a) Yes, a consultative approach could minimize the risk of putting children in dangerous jobs. (b) Relevant standards can help member States take remedial measures. (c) This is necessary to protect the normal growth of children. (d) This would help create a child-friendly environment.

Peru. (a) Yes, helping children is a joint task in which all elements of society should participate. (b) Yes, because these would define the legal framework. (d) Yes. The type of work that a child could undertake would depend on the child's good health.

Philippines. (a) Also include local government authorities, the Church, educators and other stakeholders. (d) Yes, to allow updating and to make provisions more relevant to national conditions.

Poland. Solidarnosc: Each new type of work should be evaluated from the point of view of whether children should be allowed to perform it. The deletion of such types of work from the list of prohibited work should be subject to the same procedure.

Portugal. CIP: (a)-(d) The definition of the types of work which could constitute a risk to the health, safety and morality of children should be left to the member States.
CGTP-IN: (a) Yes. Only with the participation of such specialists can a proper definition and enumeration of the forms of work that entail grave risks for children be made. (c) Yes. Children are more vulnerable than adults to every kind of occupational risk and physical and mental abuse. Thus it is essential that specialists participate. (d) Yes. Technological development can create new risks, while the nature of old risks change. Enumerations of hazardous occupations can never be considered final.

Romania. CSDR: (c) No.

San Marino. (a) If experts are lacking, international organizations should provide assistance.

South Africa. (a)-(d) These issues should be included in the Convention.

BSA: (a) Yes, and also education of professionals and parents. (b) Yes, but "take full account of" does not necessarily mean adopt in total. (c) Yes, however, it might be impractical to determine the physical and psychosocial development of each child in determining which work is allowed. (d) Yes, but it might be impractical.

Spain. (b) Yes, with special reference to the Convention on the Rights of the Child. (c) The right to education should be included because nothing should interfere with a child's education. (d) Yes, according to technical criteria.

Sudan. (d) The interval between examinations should be stated in certain cases.

Switzerland. These provisions should be in the Convention.

UPS: (b) No. What are the "relevant" standards? If this provision refers to those standards pertaining to safety and health at work, they are not widely ratified. In view of the urgency of the issue, it is necessary to concentrate on the most efficient means for resolving the problem. It is an illusion to believe that these standards could be "fully" taken into consideration.

USS/SGB: Same proposal as made by ACTU under Australia.

Thailand. (a) Yes. In addition, international cooperation on the determination of such types of work should be strengthened.

Turkey. TISK: (b) No, because they do not take into account national conditions.

TÜRK-IS: (a) Yes, as the development of children and their health and safety is very important. (d) Yes, it is useful to examine working children periodically to protect them from industrial diseases.

TEKSIF: Same proposals as made by ACTU under Australia.

Ukraine. This should be a binding standard. (b) This would make uniform monitoring mechanisms possible. (c) The adoption of a new standard should be preceded by activities to create, in member States, a specialized network of medical services, experts on psychological development, occupational hygiene and psychology of labour. Activities should be carried out on a regular basis to monitor research aimed at the early identification of health disorders. (d) A classification of these types of work should be made and periodically revised, with due regard to the development of new machinery and technology, the state of production, equipment wearing-out rates and levels of unemployment.

United Kingdom. (a) Yes, the widest possible expertise and experience should be harnessed. (b) Yes, these should also be reflected in the Convention. The United Kingdom is currently taking action to implement the Council Directive 94/33/EC on the protection of young people at work. Any instrument should take the requirements of this Directive into account. (c) Yes. This obligation should be reflected in the definitions included in the main body of the Convention. All relevant issues should be taken into consideration.

TUC: Questions 13 and 14 should be incorporated in the Convention.

United States. The new Recommendation, like the Convention, should not incorporate the language or the jurisprudence of Article 3 of Convention No. 138. (a) See Question 8. (b) Delete "full". (c) This should not, in theory, be particularly troublesome. However, United States legislation does not explicitly consider "psychosocial development" and rulemaking under this legislation has not, heretofore, taken this into account. (d) This would need to be drafted to take account of resource and policy problems that make it difficult to review and revise child labour regulations. The language should be flexible.

USCIB: (a) No, see answer to Questions 7 (c) and 8. As a practical matter, the ILO's Committee of Experts, through its observations on Convention No. 138, has determined these matters. (b) No, see under Question 7 (c). If such wording is included in the Recommendation, it should read "take account, as appropriate, relevant international labour standards". (c) Yes, for

extreme forms of child labour except for those matters encompassed in Convention No. 138. (d) No, this question suggests an evolving standard that no country can meet.

AFL-CIO: See Questions 7 and 8 and the proposals of ACTU under Australia. (a) Yes, as well as with international research and data, especially data available from or via the ILO and other United Nations agencies. (c) Yes, including mental, emotional, and intellectual development of the child. (d) Yes, fully taking into account studies or data available, particularly those available from or via the ILO and other United Nations agencies.

Venezuela. (a)-(d) It is essential to include all public and private entities related not only to employment but education, health, social security and the law. Crimes against children cannot merely be considered labour issues and must be punished accordingly under penal law.

SENIFA: In addition, the Recommendation should define the terms "safety" and "morals", as included in Question 7 (c), and say how these are to be applied.

CTV: (a) Yes. The work done by children is not the same in every member State.

Yemen. (a) Consultation is important; recourse to medical, child development, and occupational safety and health experts will help provide information. (b) Only if the relevant standards have been ratified by that State. (d) The revisions should not adversely affect the interests of children's interests.

FCCI: (c) A commitment should be made to make opportunities available. (d) Yes, provided they are not changed in principle.

No corresponding point has been included in the Proposed Conclusions with a view to a Recommendation. As explained under Question 8, parts of this provision have been included in Point 10 of the Proposed Conclusions with a view to a Convention.

Qu. 14 *Should the Recommendation provide that the types of work to which Question 7 (c) above applies should include, among others, work:*

(a) which exposes children to physical, emotional or sexual abuse?

(b) which is done underground, under water, and at dangerous heights?

(c) with dangerous machinery, equipment and tools?

(d) in an unhealthy environment which may, for example, involve exposure to hazardous substances, agents and processes, or to extreme temperatures, noise levels, and vibrations?

(e) which is done under particularly difficult conditions such as for long hours, during the night, or without the possibility of returning home each day?

(f) other? Please specify.

Subparagraph (a):

Total number of replies: 106.

Affirmative: 102. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Esto-

nia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Ireland, Italy, Indonesia, Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Switzerland.

Other: 3. Mexico, Sweden, United States.

Subparagraph (b):

Total number of replies: 106.

Affirmative: 100. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Malta, Switzerland.

Other: 4. Canada, Mexico, Sweden, United States.

Subparagraph (c):

Total number of replies: 105.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Malta, Switzerland.

Other: 4. Canada, Mexico, Sweden, United States.

Subparagraph (d):

Total number of replies: 104.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mauritius, Mexico, Mongolia, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Malta, Switzerland.

Other: 3. Canada, Sweden, United States.

Subparagraph (e):

Total number of replies: 103.

Affirmative: 97. Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Malta, Switzerland.

Other: 4. Canada, Mexico, Sweden, United States.

Subparagraph (f):

Total number of replies: 54.

Affirmative: 32. Australia, Austria, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Colombia, Costa Rica, Croatia, Cyprus, Dominican Republic, El Salvador, Ethiopia, Finland, Ghana, Guatemala, Honduras, Ireland, Mexico, Morocco,

Myanmar, Namibia, Nicaragua, Norway, Panama, Philippines, United Republic of Tanzania, Ukraine, Uruguay, Venezuela, Zimbabwe.

Negative: 21. Bahrain, Cape Verde, Cuba, Eritrea, Estonia, India, Iraq, Jamaica, Jordan, Malta, Nepal, Netherlands, Pakistan, Peru, Singapore, Slovakia, Spain, Sri Lanka, Suriname, Switzerland, United Kingdom.

Other: 1. United States

Algeria. UNEP: (a)-(e) Yes.
CGOEA: (a) and (b) Yes. (c) To the extent the dangerous tools are defined. (e) Yes.

Australia. (c) and (d) It would be preferable to remove the danger and control the exposure, or remove the hazard altogether. (d) "Hazardous processes" should include fine, detailed work. (e) There might be difficulties, for example with youths employed on cattle mustering drives. (f) It might be appropriate to address work related to morals, such as work in establishments selling alcohol and gambling establishments, although it must be recognized that morality is a cultural issue.
ACTU: This provision should be in the Convention under Question 7 (c) with the proposed changes in (d) and (f). (d) "Extreme" should be replaced by "high." (f) Add "work which exposes those performing it to significant risk of illness or injury."

Austria. (a) Yes, but the Recommendation should ensure that the type of work which exposes children to such abuse, as in Question 7 (a) and (b), is not simultaneously included in category 7 (c) as this would open up the possibility of the age limit being lowered by virtue of Question 8 (b). (f) Piece-work should be explicitly prohibited for persons under 16 years, because it requires a certain measure of physical and mental energy and because it is incompatible with schooling and vocational training. The provision should also include work which exposes children to radiation, extreme temperatures, electrical current and work in areas, war zones for example, where there is a high risk of injury due to the use of weapons, including exposure to minefields.

Belarus. BKPP: (c) and (f) No.

Belgium. CNT: (a) These provisions should be incorporated into paragraph 7 (a). (b)-(d) and (f) should be in the Convention. (e) This provision should remain in the Recommendation; it could make ratification of the Convention more difficult for some countries.

Brazil. (f) Work which disrupts the family because it transfers the child to another region.

Bulgaria. (f) Hazardous and arduous activities, such as underground, underwater, or aerial work, work with chemicals, work in noisy conditions and work in high temperatures.
Committee for Youth and Children of the Council of Ministers: (a) "Sexual abuse" should cover sexual harassment as indicated in United Nations documents.

Cambodia. (f) Prostitution, bondage, domestic work, and types of work involving risk in the agricultural, commercial and industrial sectors.

Cameroon. (f) Other types of work should reflect national characteristics.

Canada. (a)-(e) Yes, but they should all be conditional on the basic elements of Question 7 being met, in particular, that the activity is likely to jeopardize physical and psychological health, safety or morals. It may be more appropriate to include examples of potentially hazardous work for human beings under the age of 18 in an Annex to the Convention, with the acknowledgment that the age of the child and his or her mental and physical abilities could affect whether a specific activity is hazardous to a specific age-group. (a) Yes, subject to clarification of "emotional abuse". (b) The fact that certain occupations take place underground or underwater may not be sufficient to jeopardize health and safety. Flexibility is needed as some activities are not in themselves hazardous but may become so in certain circumstances. The circumstances, in relation to the physical and mental abilities of children of specific age sub-

groups, will determine if it must be immediately suspended. (c) and (d) Clarification is needed on the meaning of dangerous and whether 14 (c) would cover situations where although machinery is dangerous, there is adequate protection. (e) It is possible to identify activities that are seen as beneficial but could, on a literal interpretation, be proscribed by this provision.

CEC: (b)-(f) No. The CEC is concerned at the blanket nature of these subsections. The focus should be on activities that jeopardize children's health, safety or morals. Leave these judgements to national law and practice with the involvement of experts and attention to factors that could mitigate hazards. For instance, some activities which are generally thought to be beneficial to children, such as work in summer camps, could be proscribed under this Article.

CNTV: (a)-(e) Yes.

Chile. (b) Yes, concerning work done under water or at high altitudes, when the nature, characteristic or lack of safety measures in these types of work present an objective risk to the child.

Colombia. (f) Types of work that are not educational or do not develop vocational skills capable of leading to a higher technical or professional level.

DTT: (a) This does not constitute work, but exploitation. (b) Yes, for children from age 12 to 17.

ANDI: Strict compliance with established prohibitions should be ensured. Working hours should also be fixed, such that children have access to education.

Costa Rica. (f) Work in the informal sector, including street vending.

Croatia. (e) The work listed under (a)-(c) should be included in Question 7 (c). (f) All types of work with special working conditions under national legislation.

Cyprus. (f) Work involving repetitive movements, hazardous posture or body strain.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (a)-(e) Yes, but only if the provision in Question 7 (c) is adopted.

CMK OS: Same proposals as made by ACTU under Australia.

Denmark. The EU Directive on the protection of young persons at work contains provisions regarding the matters dealt with in subparagraphs (b)-(d) and these should be taken into account. (e) Yes, but "extreme temperatures" should be replaced by "extremely high and low temperatures" to ensure uniformity with European and Danish regulations.

Dominican Republic. (f) Work jeopardizing morals.

Egypt. (a) Yes. Extreme forms of child labour, such as slavery, prostitution, pornography, trafficking and the most dangerous jobs, should immediately be suppressed. (b)-(d) These are covered under the most dangerous jobs.

El Salvador. (c) Yes, by determining the level of hazard associated with their use by children or the nature of the machine or tool. (d) Yes, emphasizing those which must be prohibited and those which require special protection. (e) Yes, given that this limits the child's normal development in the family.

Estonia. Association of Estonian Trade Unions: (f) Yes. The Recommendation should also include physiological overwork.

Ethiopia. (f) The Recommendation should include street vending, which would expose children to poor habits and crime, for example drug dealing.

Finland. (b) Work underground does not necessarily present a health hazard or danger, for example working in a shop in an underground tunnel. (c) The derogations of Convention No. 138, Article 3, must be taken into account. (d) Injuries or other harm caused by such circumstances are not always immediately discernible, but are usually permanent. (e) An exception could be included where necessary for a child's education. Not being able to return home

each day does not necessarily constitute "particularly difficult conditions". (f) Safety precautions for children.

SAK, STTK, and AKAVA: Same proposals as made by ACTU under Australia.

France. CNPF: (f) Yes. Any child exposed to wars and guerrilla action.

CFDT: (f) These provisions should be incorporated into the Convention, with some revisions. See replies to Questions 7 and 8.

Germany. BDA: (c) Subjective matters such as incapacity to understand or to protect oneself from hazards due to a lack of risk awareness or experience should be taken into account.

Ghana. (a) and (e) Such work impairs the health and educational development of the child. (b), (c), and (d) Such work is dangerous to health and safety.

Greece. (a) Special attention is needed to protect children from sexual abuse, which is the worst form of violence against them and prevents them from returning to a normal life. (e) Children do not have the physical capabilities to work several hours a day, especially in hard and monotonous work. Overtime and night work should be prohibited. There should be a few exceptions for night work, for instance for participation in artistic, cultural and sporting activities.

Guatemala. (c) Yes, because of the high risk of mutilation or other serious injury from accidents. (f) Work involving exposure to dust or lime and rock crushing.

CACIF: No. The bodies referred to in Question 13 (a) should compile the relevant list in accordance with local conditions.

FESEBS: (f) Work as guards and work with explosives.

CUSG: (f) Informal work without an economic justification.

Guyana. (a) Yes, with provision made for the necessary counselling. (b) and (e) Special protection should be provided for girls. (d) In addition to national health and safety laws.

Honduras. (f) Work involving high voltage electrical currents and the handling of heavy weights.

CCIT: (a) Policies should develop awareness among employers. (c) Explain the risks involved. (e) Children should not be employed in night work. (f) Exploitation of children through professional begging.

COHEP: (e) Yes, otherwise the Recommendation would be without effect. (f) Long periods of exposure to the sun, handling of radioactive or toxic substances, and exposure to high voltage.

CTH and FECESITLIH: (c) Yes, because children lack experience on account of their young age and are more exposed to danger. (e) Hours of work should be less than 8 hours per day. (f) Work with computers.

Iraq. General Federation of Trade Unions: (f) Work which is done in a poor social environment.

Ireland. Any activities likely to be harmful to the safety, health and development of the child.

ICTU: (a) Same proposals as made by ACTU under Australia.

Italy. (a) Yes, but consistent with the Convention; i.e. it should give more precise details.

CGIL, CISL, UIL: (a) This provision should be incorporated into the Convention. (b)-(f): See reply to Question 13.

Jamaica. JEF: (e) The reference to the inability to return home should be conditional on whether suitable accommodation can be arranged.

Japan. (e) Clarify "without the possibility of returning home each day".

Jordan. Amman Chamber of Industry: (d) Include inflammable material. (e) The child should return home before dark. (f) Keep child labour under constant observation and separate from adult groups.

Kenya. COTU: (a)-(d) Yes. (e) Yes, this work tends to be exploitative, and promotes slave-like labour practices. (f) Add debt bondage or servitude.

Lebanon. (d) "And others" should be added at the end of the provision. Consideration should be given to preventive precautions, such as protective equipment. (e) This should be determined by national laws.

Lithuania. Unification of Lithuanian Trade Unions: The Recommendation should include a reference to agriculture, especially on family farms.

Malta. (b), (c) and (e) No, these forms of work may be allowed provided that a young person age 16 to 18 is undergoing an approved training scheme under supervision. (e) Including young sea cadets and young persons employed in catering or tourism.

Mauritius. CMT: (f) Add children engaged in construction work.
FCSU: (f) Add lifting of heavy objects.

Mexico. (a) This might involve conduct that constitutes a criminal offence and does not come within the ambit of labour. It would be better to deal with it separately. (b)-(e) It is essential to include the prohibition of the tasks mentioned, subject to national legislation and practice. (f) The list might include types of work that involve the use or consumption of solvents or addictive substances, including intoxicating drinks.

Morocco. See Question 8 (a).

Netherlands. FNV: (f) The items in Question 14 should be incorporated in the Convention.

Nicaragua. (f) Work that hampers the physical and mental development of children or adolescents.

Norway. Same proposals as made by ACTU under Australia.

Oman. Chamber of Commerce and Industry of Oman: (a)-(e)Yes.

Pakistan. (a)-(d) Yes. All these forms of work are inhumane or too dangerous. (e) Children need special care. Stress leads to both physical and mental deterioration.

Panama. (f) Work in markets, in ports or at passenger terminals.

Peru. (c) The use of such machinery requires a degree of experience which is beyond a child's capacity, thus placing the child at serious risk.

Philippines. (c) and (d) The dangers should be specified. (d) A stratified programme should be adopted recognizing different age levels. These working conditions should be prohibited for those over age 18 also. (f) Include work in the commercial sex trade, in the informal sector such as street vending, pyrotechnics, small-scale mining and deep-sea fishing.

Poland. Polish Trade Unions Alliance: (f) Yes. Tending of agricultural equipment.

Portugal. CIP: (a)-(e) For national determination.
CGTP-IN: (f) Include a final category of all types of occupations that are not included above, but which, generally, or in view of the conditions in which they are carried out, involve a risk to the health, safety and development of children, especially by preventing them from completing schooling and vocational training.

San Marino. (c) and (d) Yes, but to be decided by the authority responsible for occupational safety and health and in accordance with occupational safety and health standards. (e) Yes, for children under the age of 16.

South Africa. (e) Qualify "During the night" or add reference to after 12.00 midnight.
BSA: (a) Yes. The key word is "abuse". Emotional abuse is subjective and requires amplification. (b)Yes. These are particularly dangerous. (c) Yes, but objective criteria for dangerous machinery is needed. (d) Yes, but define "unhealthy environment". (e) Perhaps yes. It would

depend on the physical and emotional abilities of the child. (f) Add work that interferes with schooling.

Spain. (a)-(e) The Recommendation should provide a detailed description of the offences. (f) No. National legislation should determine other types of work to which Question 7 (c) applies.

UGT: (f) Yes. Any other activity, regulated or not, that would impede the development of children or their education.

Sri Lanka. CWC: (f) Include work in conditions exposed to sun and rain.

Sweden. (a)-(e) These should be in the Convention. See Question 7.

Switzerland. The definition of dangerous work envisaged in Question 13 should be in the Convention. Such a listing risks becoming incomplete quickly.

UPS: (a)-(e): Yes.

VSA: (a)-(f) Yes.

USS/SGB: (a)-(f) Same proposals as made by ACTU under Australia.

United Republic of Tanzania. (f) Children employed in domestic work.

Turkey. (a) The meaning of physical and emotional abuse should be clarified.

TEKSIF: Same proposals as made by ACTU under Australia.

Ukraine. (c) This category of machinery should also include equipment that has a wear-out rate exceeding 20 per cent. The age limits and requirements for those employed in this type of work should also be increased. (f) A ban should be placed on debt bondage, repair work carried out by children at their place of study, temporary work, and on payments made to parents or children for services rendered during the transplantation of children's organs or natural disaster relief operations. Prohibit involvement in medical, psychological, physical, mechanical and other tests of endurance and exposure to pharmaceutical preparations.

United Kingdom. Young people, those under 18 years, may be particularly vulnerable to hazards encountered in the workplace because of their possible immaturity, inexperience and lack of awareness of risks. The United Kingdom is currently taking action to implement the EU Directive on the protection of young persons at work, and has already implemented the safety and health provisions. The implementing regulations prohibit young people under 18 years from doing work: which is beyond their physical or psychological capacity; involving harmful exposure to agents which are toxic or carcinogenic, cause heritable genetic damage or harm to the unborn child or which may in any other way chronically affect human health; involving harmful exposure to radiation; involving risk of accidents which it may reasonably be assumed cannot be recognized or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or in which there is a risk to health from extreme cold or heat, noise or vibration. Any instrument should take the requirements of this Directive into account. (a)-(e) Should be under Question 7 (c) in the Convention. (b)-(e) The Recommendation should apply to all hazardous forms of employment.

TUC: See additions suggested for inclusion under Question 7 in the Convention.

United States. AFL-CIO: The contents should be incorporated, with amendments, into the Convention. See Questions 7 and 8. (a)-(e) Yes. (f) Yes, including any work which prohibits or impedes education up to the completion of compulsory schooling.

Uruguay. Any work that does not allow for normal physical, mental and social development, interferes with school attendance, or does not leave time for recreation and rest.

Employers: (c) It is not clear whether this means dangerous only to children or also to adults. (d) This concerns the working environment, not the work as such.

Workers: (f) Work in plantations. In the case of Uruguay, forestry.

Venezuela. INAM: (f) Work in the mass media which may harm children's development.

SENIFA: (f) Some work by street children, in some areas such as the vicinity of bars and at night. Girls should not be allowed to work in public markets without protection.

CTV: (a)-(e) This point should be detailed and take into account the experience of agencies and organizations dedicated to child labour in different countries.

Yemen. FCCI: (d) A more accurate measurement should be determined for temperatures, noise and vibrations. (e) What is meant by "home" is not clear. This will be difficult to apply if children work in cities far away from their homes, unless "home" means the place sheltering the child.

FWU: (d) Yes, to protect children from being injured while carrying out such types of work. (e)Yes. (f) Uniform standards are needed for all member States, but the situation of children and their families in poor countries should be taken into account. Europe should not be taken as a reference. Safeguards and limitations should be established for the exploitation of children under 10 years in such countries.

The provisions in this question suggest guidance to Members in defining extreme forms of child labour. The corresponding point in the Proposed Conclusions is *Point 15*. Based on the replies, the introductory part of the paragraph has been drafted more flexibly. It no longer stipulates that the types of work under consideration "should include . . .", but states that "consideration should, in particular, be given to:". Even though this is a Recommendation, some countries preferred the guidance to be less categorical. Other countries and workers' organizations believed that some or all of these provisions should be in the Convention to ensure that there was not too much flexibility left to national authorities which could result in weak criteria being set. The majority opinion, however, appeared to be for this guidance to be in the Recommendation. It is, of course, for the Conference to decide whether such specificity should be included in the Convention.

The types of work listed are based on those known to be hazardous or to involve conditions which make work hazardous for children. Some are the subject of existing international labour standards on minimum age and safety and health. One addition has been made to the list in subparagraph (c) — "the manual transport of heavy loads". Numerous suggestions for additions to the list were made, some of which fell within the existing categories and included domestic service and agriculture, work in markets and exposure to war or weaponry. National circumstances and the prevalence of certain kinds of work will affect the focus of a country's determination. Furthermore, specific occupations such as domestic work and agriculture could be determined as extreme under the various points.

Some replies thought these categories provided too much detail, while others believed they were not specific enough or needed definition. The list is not exhaustive and the implication is that national conditions will determine more specifically which work is extreme and warrants measures for its immediate suppression. There were several suggestions to refer to only "high" temperatures in subparagraph (d), but the broader reference to dangers from exposure to cold as well as to heat is maintained. Some replies felt that subparagraph (e) had too broad of a scope particularly concerning "the possibility of returning home each day". However, this is a factor that can make work extreme. The work might be in remote locations without sufficient access to emergency care. There might be insufficient adult supervision, or the child might be subject to abuse without the family knowing. This can occur, for example, in domestic service, on construction sites, and in camps depending on the circumstances.

INFORMATION

Should the Recommendation provide that detailed information and statistical data on the nature and extent of child labour, including data classified according to sex, age group, occupation, branch of economic activity and status in employment, should be compiled and kept up to date to serve as a basis for determining priorities for national action and designing national policies and programmes for the elimination of child labour? **Qu. 15**

Total number of replies: 104.

Affirmative: 97. Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 4. Bahrain, Germany, New Zealand, Singapore.

Other: 3. Portugal, Spain, United States.

Algeria. UNEP: Yes.
CGOEA: Yes.

Australia. The Recommendation could support data collection, but should rather give priority to the use of national resources for action to stop or prevent prohibited forms of child labour.

Belgium. CNT: While it is particularly difficult for developing countries to collect statistical data on the nature and scope of child labour, this provision would enable the country concerned to design and evaluate programmes of action and to better implement national legislation and the Convention.

Benin. Yes, but ILO assistance is needed.

Brazil. Yes, to assess the impact of the problem.

Bulgaria. Committee for Youth and Children of the Council of Ministers: Yes, but the compilation of data should be carried out by mandated institutions and not by NGO volunteers.

Cambodia. Yes, with the assistance of IPEC.

Cameroon. As developing countries do not always have the resources to carry out detailed surveys, bilateral and multilateral cooperation between countries of the North and the South is desirable.

Canada. Insert "in so far as possible" after ". . . be compiled . . ." to allow for the adjustment of data collection to the capacity of Members.
CEC: Yes, but recognize it is beyond the capacity of many member States.
CNTU: Yes.

China. ACFTU: Yes.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: Yes, but only statistical data that make a positive contribution to the quality of national programmes.

Eritrea. Yes, it would increase knowledge about the exact conditions children experience.

Ethiopia. Yes, as this is a crucial area and data are often inadequate in various countries.

Finland. The reports of member States on the application of the Recommendation should also include as much statistical data on child labour as possible. Technical assistance from the ILO could support these goals. The duty to establish national programmes and compile statistics on the subject should, however, depend on the actual situation in member States. The collection of statistical data might require new notification procedures, thus adding to the burden of employers.

Gabon. Yes, such information would help the competent authority to take appropriate measures.

Germany. (Questions 15 and 16) No, it would be impossible to implement these provisions in Germany due to the legislative competence of the constituent States.
BDA, DAG, DGB: Yes.

Ghana. This would enable governments to identify endemic areas and design effective programmes.

Guatemala. Yes, so that programmes could be implemented and priorities set for the sectors with the greatest need according to the statistical data.
CUSG: Yes, however, this will be difficult to implement.

Haiti. Yes, but technical assistance should be granted for this purpose.

Honduras. COHEP: Yes, as this would establish whether the problem was serious and whether other action would be appropriate.

Ireland. ICTU: Yes. Include a reference to international comparative data as a basis for international action.

Jamaica. JEF: The phrase "wherever possible" should be included because many developing nations do not have the ability to engage in such research, even though it is highly desirable.

Japan. Yes. However, "in accordance with the national situation" should be inserted.

Jordan. Federation of Jordanian Chambers of Commerce: Yes, but depending on the capacity of developing countries to provide such data.

Kenya. COTU: Yes. Since action against child labour is already constrained by insufficient resources, guesswork must be minimized.

Republic of Korea. Yes, however, give consideration to countries which do not have the necessary financial and human resources.
FKTU: The ILO should support efforts, including technical assistance.

Kuwait. This will be difficult because many children work in the informal sector where they are abused. As a result, national conditions should be taken into account.

Lebanon. This is essential, and may require ILO technical assistance.

Mauritius. CMT: Yes, to enhance strict control.
FCSU: Yes, research and statistical data always help in formulating new policies.

Mexico. Information is essential for the development of programmes to eliminate intolerable forms of child labour. Priorities in national plans and programmes could be determined on the basis of such information. Data collection, however, should only be required for work in the formal sector, as it would be too difficult in practice to collect data on illegal activities.

Netherlands. The ILO Statistical Information and Monitoring Programme on Child Labour (SIMPOC) should be included in the Convention. Existing monitoring instruments, for example those of UNICEF, should be taken into account.

CNV: This should be included in the Convention.

New Zealand. (Questions 15 and 16) No, this is too prescriptive. The need for data would depend on the regulation and method of enforcement adopted by each State. There could be significant administrative costs.

NZCTU: (Questions 15 and 16) Yes. The absence of qualitative and quantitative information would make the implementation of any proposed Convention difficult.

Nicaragua. A special section in household surveys should poll on child labour.

Oman. Chamber of Commerce and Industry of Oman: Yes, data determines the magnitude and nature of the problem.

Pakistan. Yes, collecting information would help the government formulate proper strategies.

Peru. Yes, data should identify which areas of child labour are not protected.

Philippines. The child's family profile should also be included.

Portugal. Stipulate that all statistical data on the nature and extent of child labour, broken down by gender, age group, occupation, sector of activity and professional status, should be appropriately collected and disseminated, to establish priorities and to develop national policies and action programmes to eliminate child labour. As child labour is often covert, a detailed study is needed with a survey of the actual numbers of children involved. The results should be published.

CIP: Yes.

CGTP-IN: Yes. It is essential to determine the extent of the problem and which are the most affected or vulnerable groups, so that priorities can be established. Child labour, which is prohibited in almost every country, is covert, and those involved are busy masking it. The obligation of member States to obtain data to implement the provisions of ILO instruments would entail an obligation to study the problem in depth, investigate, and shed light on the actual numbers of children involved in child labour.

Russian Federation: Yes, it is necessary to keep records; however, the extent of the data collection would depend upon the country's resources.

South Africa. Yes. However, this is always difficult due to limited resources. The question is whether limited resources should be used for the collection of information or for interventions.

BSA: Yes, such information would be useful, but it might prove to be expensive and impractical.

Spain. There are difficulties in obtaining official statistics for clandestine settings.

CCOO and UGT: Yes.

Switzerland. UPS: Yes, but do countries faced with this problem have the resources to collect such statistical data?

VSA: Yes, this is important, but many countries might have problems implementing it.

United Republic of Tanzania. Information centres should be decentralized to facilitate implementation.

Turkey. TISK: Yes, but the concept of elimination of child labour is unrealistic.

TÜRK-IS: Yes, detailed information and statistical data help to target groups, motivate institutions and devise effective methods to fight child labour.

Ukraine. Yes. Studies based on the results of monitoring and recommendations should be compiled.

United Kingdom. Yes. The extent of information collection is an issue for individual countries, and should not necessarily require new or separate systems. Non-remunerated employment should be specifically included in this part of the Recommendation. States should be encouraged to produce statistical reports and information accompanied by a statement as to their possible limitations.

United States. Provisions in Questions 15 and 16 are potentially costly operations. Information and statistical data on the nature and extent of child labour would provide important guidance to governments for the purpose of identifying, suppressing and eliminating exploitative child labour.

USCIB: No. It is doubtful whether any Member could meet this.

AFL-CIO: Yes, including days and hours of work, wages, health status, educational status, location of employment, name of employer, as well as name, address and employment status of parents and/or other adult family members.

Venezuela. INAM: There is a need for reliable national registers containing high quality information and reliable statistics. This information should be broken down into federal and municipal categories and should specify education, legal status, place of work, working time, age of admission to employment, family status, level and form of remuneration and income use. This information should be collected, irrespective of whether or not a country seeks to eliminate child labour as a whole or concentrates on children under 12 years of age.

SENIFA: The lack of relevant statistics on this issue should be addressed as it is essential to decision-making in Venezuela. The Recommendation should encourage special surveys to be undertaken. Internet web pages should also be created by country or region, setting out statistical data, programmes designed to eliminate child labour and progress made or setbacks.

CTV: Sufficiently detailed information should be collected to permit realistic studies.

The majority of replies favoured this provision; a corresponding point has therefore been included in the Proposed Conclusions *(Point 16)*. While there was general agreement on the need for statistical data and other information on the nature and extent of child labour for designing appropriate policies and practical action, practical difficulties and lack of available resources were suggested as being possible obstacles to its implementation. Some governments stated that international assistance would be required. Mention was made of the work of the ILO in developing tools for the collection and analysis of such data and the ILO Statistical Information and Monitoring Programme on Child Labour (SIMPOC), which would be essential to the ability of some governments to compile such data. The particular types of data mentioned in *Point 16* are drawn from the Labour Statistics Recommendation, 1985 (No. 170).

Qu. 16 *Should the Recommendation provide that Members should compile and update relevant data concerning violations of the provisions of the Convention, including criminal offences and their victims?*

Total number of replies: 102.

Affirmative: 91. Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland,

France, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Indonesia, Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Sri Lanka, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 6. Bahrain, Germany, Lebanon, New Zealand, Singapore, Sudan.

Other: 5. Canada, India, Japan, Spain, United States.

Algeria. UNEP: Yes.
CGOEA: Yes.

Australia. It may be appropriate to compile data concerning implementation but privacy issues might be relevant to the compilation of criminal offences and their victims.

Austria. Yes, but there should be more precise information on which violations of the Convention Members are required to compile data.

Belarus. BKPP: No.

Bulgaria. Committee for Youth and Children of the Council of Ministers: Yes. The data should be received and prepared by Government institutions.

Canada. Yes, but does the data contain personal information or is it essentially statistical and who would collect the data? Because criminal offences differ from one country to another, it may be difficult to collect comparative data. Insert after "Members should", "through the appropriate competent authority and in accordance with national law and practice", and add "where appropriate" after "including".
CEC: Yes. This recognizes the international nature of some criminal activities and would help retailers and importers deal with factories in foreign countries.

China. ACFTU: Yes.

Colombia. DTT: In accordance with national capacity and priorities, not as a commitment because of technical and economic difficulties in establishing such specialized systems.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: Yes, but only where there has been a conviction in a court of law.

El Salvador. Yes, it is important because it permits evaluation of the Convention's impact.

Eritrea. Yes, to assist in monitoring implementation and to help control violations.

Finland. Add "giving effect to" after the word "provisions" and then delete "of". Compiling such data might require changes in statistical systems, but compilation is necessary.

Gabon. Yes, to be able to follow up more closely the implementation of the Convention.

Germany. BDA: Yes, but state "violations of the national provisions giving effect to the Convention".
DAG, DGB: Yes.

Ghana. Such data would help member States determine how to effectively tackle the problem.

Guatemala. Yes, to ensure that ratifying States make relevant reforms to their own legislation.

Honduras. COHEP: Yes, to determine whether in the near future it would be necessary to make changes to the Convention, Recommendation and national legislation.

India. Instead of detailing kinds of data, specify that statistical data on enforcement of the Convention should be compiled and updated.

Ireland. ICTU: Yes.

Italy. This provision should be moved to the Convention.

Jamaica. JEF: All information that assists in formulating and implementing policy is desirable.

Japan. Crime prevention and criminal justice require substantial expertise. The Commission on Crime Prevention and Criminal Justice addresses these issues within the United Nations. As some of these matters are not within the ILO's field of expertise, the ILO should seek opinions from the Commission in the future. The same points can be made in reply to Questions 19, 23 and 25. It would be sufficient to require Members to collect and update data, in accordance with their national situation, on violations of national child labour regulations, but not data concerning all provisions of the Convention.

Jordan. FJCC: No. Although it is important for the follow-up process, this is not necessary because it would increase the financial burden upon developing countries.
ACI: Certainly child labour should be subject to supervision by a government authority.

Kenya. COTU: Yes, this will also constitute evidence of compliance with international labour standards and Conventions.

Kuwait. Consideration should be given to the ability of each State.

Lebanon. This should be left to the national laws of member States.

Mauritius. CMT: Yes, to enable the government to take appropriate measures.
FCSU: Yes. This is one indicator as to whether child abuse is increasing or decreasing.

Mexico. Data on violations of national legal provisions are indispensable. To establish strategies for action, all involved authorities must cooperate in collecting such statistics. In the case of illicit activities, it is more difficult to uncover infringements.

Morocco. Compiling and updating relevant data should concern violations of the provisions of the Recommendation.

Namibia. This will help member States take stock of the child labour situation.

Nicaragua. Yes, through the Ministry of Labour.

Oman. Chamber of Commerce and Industry of Oman: Yes.

Pakistan. Such data is necessary to develop effective policies to curb violations.

Portugal. Yes. Such information is important to evaluate the efficacy of the steps taken.
CIP: No.

South Africa. This might perhaps extend beyond the general requirement in Question 15? There needs to be some conditionality attached to this clause, for example: "With due consideration to limited resources, Members should provide information on income and poverty alleviation policies, education, training, vocational orientation policy and child protection policy".
BSA: Yes, subject to comments under Question 15.

Spain. It is difficult to obtain reliable statistics on illegal child labour in the informal sector except when there are infringements under criminal law, in which victims are involved
CCOO and UGT: Yes.

Sudan. Criminal offences are under the supervision of police and judicial authorities.

Switzerland. UPS: Priority should be given to action rather than compiling statistics. However, some data are necessary for this action.

Turkey. TISK: No.

Ukraine. This work should be carried out by independent international experts, since governments may conceal the extent and scale of the violations of the Convention. The transparency of such information should also be ensured.

United States. USCIB. Yes.
AFL-CIO: Yes, including data on fines, penalties or other punishment for violations.

Uruguay. Employers: It is not necessary to be burdened with such data because it creates bureaucracy.

Venezuela. INAM: The data should also include the nature and form of punishment.
SENIFA: The Recommendation should also provide that such information be disseminated through the mass media, including the Internet.
CTV: The Recommendation should oblige Members to maintain a database of any irregular situation involving children and should penalize those who do not keep such information up to date.

Yemen. FCCI: Yes.
FWU: Yes.

The vast majority of replies favoured this provision, but with some of the same reservations expressed to Question 15. There were additional concerns about a possible conflict with national privacy provisions because of the reference to criminal offences and their victims. *Point 17* has been drafted more generally to take these concerns into account. It does not refer specifically to criminal offences, but to violations. It does not refer directly to the Convention, but to national provisions aimed at the immediate suppression of extreme forms of child labour, and thus speaks to all Members, whether or not they will have ratified the new Convention. If criminal offences are part of relevant national provisions, such data would be collected. It is implied from the non-binding nature of the Recommendation that competing national interests could prevail — for example national privacy provisions. In such a case, the compilation of data could be subject to national privacy laws which stipulate the types of data that might be collected, the form of the data and the method of collection, to ensure that personal data are not revealed.

New Point

Point 18 is not based on a corresponding question in the questionnaire, however, the suggestion that submitting data to the ILO could aid in research, technical cooperation, and supervision of standards has been taken up by providing that the data compiled under *Points 16* and *17* should be communicated to the ILO.

Supervision and enforcement

Should the Recommendation provide that appropriate national machinery should be established to monitor provisions giving effect to the Convention? **Qu. 17**

Total number of replies: 107.

Affirmative: 95. Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 9. Bahrain, Estonia, Finland, New Zealand, Pakistan, Qatar, Singapore, Slovakia, Slovenia.

Other: 3. Mexico, Pakistan, Sweden.

Algeria. UNEP: Yes.
CGOEA: Yes.

Australia. Yes, but the Recommendation should enable the use of existing mechanisms rather than merely referring to the establishment of new mechanisms.

Austria. The possibility of using existing mechanisms should also be considered.

Belarus. BKPP: No.

Brazil. CNI: No.
CNC: No, this should be governed by national legislation.

Canada. Yes, as long as "appropriate" remains.
CEC: Yes. This would assist retailers and importers.

Chile. Yes, unless adequate mechanisms and bodies already exist.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: The machinery should reflect established national programmes.

El Salvador. Yes, including the reinforcement of existing mechanisms.

Estonia. CEIE and CEO: Yes.
Association of Estonian Trade Unions: Yes.

Finland. Monitoring the Convention might be the responsibility of several different national authorities. It is not necessary to require that new monitoring machinery be established. The need for efficient coordination should be stressed for all member States.

Gabon. Yes, and this should be carried out with unexpected inspections.

Ghana. Monitoring machinery is crucial for the assessment and evaluation of programmes.

Greece. Priority should be granted to labour inspection. Supervisory mechanisms should be independent and flexible.

Guatemala. Yes, so there is a specific national agency responsible for proper enforcement.

Ireland. ICTU: Yes. Machinery for monitoring should reflect a partnership approach.

Italy. A provision on monitoring machinery should be in the Convention; this should be further developed with more details in the Recommendation.

Jamaica. JEF: No, it may not be practicable.

Jordan. FJCC: No. Could be part of the government without establishing a separate body.

Kenya. COTU: Yes. There is a need for enforceable national laws harmonized with the Convention.

Mauritius. CMT: Yes, to enable monitoring of the Recommendation's enforcement.
FCSU: Yes, there should be a special body to consider such actions.

Mexico. Provision should be made for: the establishment of supervisory machinery where it does not exist; the reinforcement of existing machinery; and adequate coordination. However, national machinery could not merely monitor the implementation of the Recommendation; it has to supervise the implementation of national legislation.

Morocco. This should read: "The Recommendation should provide that a national monitoring mechanism be established to monitor the phenomenon of child labour."

Namibia. This is the only way to ensure implementation of the instrument and national legislation.

Netherlands. Provisions for monitoring implementation of the Convention should be included in the Convention itself.

New Zealand. This is a decision for individual member States to make.
NZCTU: Yes. Monitoring is an essential component of the collection of statistical information.

Oman. Chamber of Commerce and Industry of Oman: Yes, within the framework of the Ministries of Labour and Social Affairs.

Pakistan. This provision should be included in the other instruments.

Peru. Yes; however, existing bodies responsible for monitoring the application of children's rights should also carry out their functions properly.

Philippines. The provision should grant the Members flexibility as to the type and structure of the national machinery. Existing machinery may need to be refocused to deal with child labour.

Portugal. Yes. In the event that general supervisory mechanisms prove to be insufficient, the Recommendation should provide that appropriate national mechanisms be established.
CIP: No.
CGTP-IN: No. In principle, general mechanisms should prove sufficient. The adoption of specific mechanisms might entail problems of a constitutional nature in some countries.

Qatar. No. Existing machinery is adequate.

Slovakia. No. This provision should be included in the Convention, not the Recommendation.

Slovenia. No, this should be included in the Convention.

South Africa. BSA: Yes, there should at least be a proper inspection service.

Sweden. This should be in the Convention.

Switzerland. The provisions in Questions 17 to 23 should be incorporated into the Convention. Since child labour is less of a legislative problem than implementation, the Convention should provide for the creation of a number of national supervisory bodies.
UPS, USS/SGB, and VSA: Yes.

United Republic of Tanzania. The machinery should be tripartite.

Turkey. TISK: The Recommendation should provide guidance to governments, workers' and employers' organizations, while allowing them to take into account national conditions.

Ukraine. This mechanism should be established at the level of legislative bodies. This requirement should be binding for the economies in transition.

United Kingdom. TUC: This provision should be incorporated in the Convention.

United States. USCIB: Yes, as long as this does not require the creation of new bureaucracies.

Uruguay. Employers: The Convention should establish supervision and enforcement mechanisms.

Venezuela. INAM: Effective monitoring requires inter-institutional coordination with the participation of NGOs, trade unions and the general public. The Recommendation should also state that existing machinery should be strengthened.

SENIFA: Advantage should be taken of experience in supervising the implementation of Conventions. Joint action by NGOs, trade unions and employers' organizations would provide an auspicious framework for monitoring.

CTV: Members should also be required to provide accurate information on violations.

Yemen. FCCI: Yes. The machinery should be included in national laws.

A clear majority favoured this provision. A number of replies stressed the importance of an effective national supervisory machinery to combat child labour, especially its extreme forms, and to assess and evaluate national programmes. Several argued that the provisions should be in the Convention, suggesting that child labour was more a problem of implementation than of legislation. On the other hand, several replies indicated that this was a matter for national policies and practice only.

A number of replies stated that the creation of new national machinery should not be necessary if existing structures could be effectively utilized, and one government specifically pointed to the mechanism used for supervising the obligations under the Convention on the Rights of the Child as the appropriate machinery. The point recommends the establishment of appropriate mechanisms; however, where mechanisms already exist which monitor, inter alia, the application of provisions on extreme forms of child labour, new ones would not be needed. The purpose is to have a mechanism with a clearly identified mandate.

The provision has been drafted as *Point 19* of the Proposed Conclusions using the word "mechanisms" instead of "machinery".

Qu. 18 *Should the Recommendation provide that there be cooperation and coordination among competent authorities which have responsibilities for implementing provisions of the Convention and for enforcing applicable national laws and regulations?*

Total number of replies: 105.

Affirmative: 102. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea,

Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 2. Estonia, New Zealand.

Other: 1. Mexico.

Algeria. UNEP: Yes.
CGOEA: Yes.

Brazil. CNC: No, this should be governed by national legislation.

Cambodia. Yes, and it is necessary to cooperate with IPEC.

Colombia. Yes, to ensure overall coordination of action.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: This should normally flow from the designation of competent authorities envisaged in Question 9 (3).

Czech Confederation of Employers' Unions: No.

Dominican Republic. CONEP: No.

El Salvador. Yes, by promoting the creation of a national system.

Eritrea. Yes. Cooperation and coordination strengthens and increases efficiency of implementation.

Estonia. CEIE and CEO: Yes.
ATU: Yes.

Finland. Yes. A major problem in the fight against child labour is how to provide effective legal protection and implement provisions. The Recommendation should take this problem into account.

Gabon. Yes. This is the most efficient way to implement the Convention.

Greece. In particular, there should be cooperation and coordination between the labour inspection services, police, education authorities, services in charge of issues related to minors, health services, and the like.

Ireland. ICTU: Yes.

Italy. CGIL, CISL, UIL: For the implementation of both the Convention and Recommendation, the competent authorities should work in collaboration with the employers' and workers' organizations.

Mexico. Yes. Such cooperation would make it possible to meet the objectives of national standards sooner.

Mongolia. MEA: No. The labour administration services should be responsible.

Namibia. See reply to Question 17.

New Zealand. Same as reply to Question 17.

NZCTU: Yes. Effective coordination should take place and be required.

Oman. Chamber of Commerce and Industry of Oman: Yes.

Pakistan. Yes, because a lack of coordination often leads to duplication of work resulting in poor implementation.

Philippines. Yes, but there should be flexibility. Existing machinery might need to be altered.

Portugal. CIP: No.

South Africa. There is a need for international synchronization, coordination and cooperation.

BSA: If a holistic approach is adopted, departments like labour, education, welfare, health and commerce should be involved.

Switzerland. This provision should be in the Convention.

UPS, USS/SGB, CSG/CNG, VSA: Yes.

Turkey. TISK: No, this is a matter for national regulation.

Ukraine. Yes, as this will ensure the accumulation of relevant experience.

Venezuela. INAM: Yes. A future Convention on child labour should establish the need for the implementing authorities to cooperate to ensure efficiency in the area of child protection.

SENIFA: The Recommendation should encourage coordination at national, state and local level. CTV: Strong emphasis should be placed on such cooperation to protect children in general.

A clear majority of replies from governments, employers' organizations and workers' organizations favoured this position. A number of replies stressed how vital it was to ensure cooperation to combat extreme forms of child labour because of the need to involve different parts and levels of government and yet maintain overall coordination. Those replies which did not support the provision, mostly considered that cooperation and coordination were a matter for the national authorities to regulate without international supervision.

This provision has been retained as *Point 20* and drafted to refer to the implementation of provisions aimed at the immediate suppression of extreme forms of child labour.

Qu. 19 *Should the Recommendation provide that Members should, in giving effect to the provisions of the Convention, cooperate with international efforts to:*

(a) gather and exchange information concerning criminal offences, including those involving international networks?

(b) detect and prosecute those involved in the sale and trafficking of children, child prostitution, child pornography and the use of children in illegal activities?

(c) register perpetrators of such offences?

Subparagraph (a):

Total number of replies: 105.

Affirmative: 97. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 3. Egypt, Mexico, Singapore.

Other: 5. Japan, Lebanon, New Zealand, Pakistan, Philippines.

Subparagraph (b):

Total number of replies: 104.

Affirmative: 98. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 3. Canada, Mexico, Slovakia.

Other: 3. Lebanon, New Zealand, Pakistan.

Subparagraph (c):

Total number of replies: 105.

Affirmative: 95. Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongo-

lia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 5. Australia, Canada, Mexico, Singapore, South Africa.

Other: 5. Chile, Lebanon, Croatia, New Zealand, Pakistan.

Algeria. UNEP: (a)-(b) Yes.
CGOEA: (a)-(b) Yes.

Australia. (c) This requires further consideration given the complex issues associated with a register or database of offenders and/or suspects.
ACCI: (c) Yes, depending upon the nature and seriousness of the offence.

Austria. (c) Yes, in so far as this is preventative and does not interfere with social reintegration.

Belarus. BKPP: (a) No.

Belgium. There should be coordination or a common approach for exchanges of information on trafficking networks beyond national and bilateral measures. Giving publicity to certain clear abuses could be as efficient as traditional means.

Brazil. (c) Yes, including for the purpose of ascertaining repeat offenders.
CNC: (a) and (c) No. The matters should be regulated by member States.

Bulgaria. Committee for Youth and Children of the Council of Ministers: (a) and (b) Yes, if the ILO sets up an ad hoc working committee for it.

Canada. (a) Yes, but rephrase the provision so the subject of the information is clear. Add "regarding activities to be prohibited or suppressed pursuant to the Convention" after "gather and exchange information". (b) No. How could this provision be operationalized without a clear international understanding of the meaning of the activities described? (c) No, even if a consensus could be reached on the definition of such offences it would be doubtful that a meaningful registry could be established. A registry has privacy implications that may not pass the test of Canadian human rights legislation, nor Article 17 of the International Covenant on Civil and Political Rights.
CEC: (a)-(c) Yes, since pooling of information is necessary for prevention and it will assist those who do business internationally to have access to information about illegal activities.
CNTU: (a)-(c) Yes.

Cape Verde. ACS: (c) No.

Chile. (c) Instead of a register of offenders, an up-to-date information system should be created.

Colombia. ANDI: Achievement of the proposed objectives depends on the availability of reliable statistics, effective implementation and monitoring of compliance with the provisions of the instruments.

Croatia. (c) All issues referred to in this question belong to criminal law and are not directly linked with the proposed Convention.

Dominican Republic. CONEP: (c) Such action should be entrusted to a special international agency such as Interpol.

Egypt. (b) Yes, to combat the source of immorality and those who spread this phenomenon. (c) Yes, to identify perpetrators and take severe measures in case of repeated offences.

El Salvador. (b) Yes, in accordance with national legislation.

Eritrea. (a) This would help in tracking criminals, determining their escape routes and reducing the harbouring of criminals by other nations.

Finland. (a) International cooperation is crucial to end extreme abuse of child labour. The resources of individual nations are not enough.

Gabon. (b) This requires international cooperation, including extradition. (c) Yes, to identify habitual offenders and inform other States as is done through Interpol.

COSYGA: (a) Sharing experiences would improve the effectiveness of the fight against trafficking. (c) Yes, for improved international coordination.

Ghana. (a) This would enable Members to anticipate and take effective measures to combat child labour. (b) Yes, if the offences are recognized as international offences. (c) For effective monitoring.

Ghana National Commission on Children: (a) NGOs should play a role. (c) A means of publishing the names of perpetrators of such offences internationally would be useful.

Guatemala. (a) Yes. To benefit from the legislative background and experience of other States. (b) Yes, so advantage is not taken of the good faith of some international agencies. (c) Yes, so they can be published and brought to the attention of all State parties.

Honduras. (c) Photographs of these persons should also be published.

COHEP: (a) This is necessary to avoid the non-punishment of offences. (b) Yes, by establishing severe penalties in line with those of other countries. (c) Yes, each country should make a statement certifying that there are no administrative or judicial disputes in its territory due to a violation of the proposed Convention.

Ireland. ICTU: (a) Yes. This is essential because of globalization. (b) and (c) Yes.

Italy. (a) In accordance with the Convention, but perhaps with more detailed reference to the practical aspects of these exchanges. (b) This provision should be included in the Convention. (c) The international nature of this register should be ensured.

CGIL, CISL, UIL: (b) The enactment of adequate national legislation and collaboration with Interpol are of fundamental importance.

Jamaica. JEF: This should be subject to national law.

Japan. (a) International comparisons would be difficult because there are no international definitions of crimes, nor standard penalties. Insert "in accordance with the national situation". (b) and (c) The prohibition and criminalization of the sale and trafficking of children and the use, engagement or offering of a child for prostitution are matters which require specialized knowledge of criminal justice. These matters, including definitions for the sale of children and child prostitution, are being discussed by specialists in the working group on the draft optional protocol to the Convention on the Rights of the Child. To avoid unnecessary duplication and confusion, the proposed Convention should not attempt to define these terms. The Japanese principle of discretionary prosecution might conflict with an obligation to prosecute and for this reason the word "prosecute" in (b) should be replaced by "bring to justice".

Jordan. FJCC: (b) Donations from developed countries would be needed.

ACI: (a) National authorities should benefit from international experiences through workshops and visits from experts. (b) It is the duty of all public authorities and private institutions to expose and penalize any ill-treatment or abuse of children.

Kenya. COTU: (a) Yes. There is also a need to empower shop floor trade unionists. (b) Yes. Trade unions should be empowered to carry out labour inspections to complement the work of labour inspectors. (c) Yes, so that the perpetrators can be subjected to economic sanctions.

Lebanon. (a), (b) and (c) This should be left to the member States to determine under national law.

Malaysia. (a) The extent of cooperation should be left to the member States.

Mauritius. CMT: (b)Yes, to deter potential perpetrators in other countries. (c) Yes. Sanctions should be more severe for repeat offenders.

FCSU: (b) Yes. Strict legal action should be taken against those exploiting children.

Mexico. Interpol carries out several of these functions already. Its regional offices are in a position to investigate and to arrest criminals at the request of other States, but always in accordance with local legislation. The maintenance of a register of offenders might be deemed to violate privacy, or to prejudice the rehabilitation and social reintegration of offenders. Consequently, the limitations set in national legislation have to be respected. In addition, only local judicial authorities are able to judge individuals deemed to be guilty of criminal offences. Such matters are better left to States or agreements regarding mutual legal assistance. The content of this question should, therefore, not be included in new instruments.

Morocco. This should read "Members should, in the framework of bilateral and multilateral Conventions, cooperate with international efforts to: (a) . . ."

Namibia. (a) and (b) This may help to combat criminal activities and underground networks. (c) Also blacklist these perpetrators internationally or regionally.

New Zealand. Member States should cooperate with international efforts to eliminate exploitative / hazardous forms of child labour. However, this is not an appropriate measure for a Recommendation. The ability of each member State to participate in the listed activities will vary for technical reasons. Furthermore, to avoid duplication and overlap, the ILO should be focusing its resources upon how it can add value to what other international fora or mechanisms are doing.

NZEF: The ILO should be concerned with labour, not criminal activity.

Nicaragua. (b) Add "have the established sanctions applied".

Oman. Chamber of Commerce and Industry of Oman: (a) Yes, subject to the separate approval of each Member. (b) Yes. Emphasis should be placed on these intolerable activities. (c) Yes, to monitor offenders.

Pakistan. (a)-(c) These provisions should be included in the other instruments.

Philippines. (a) Yes, but only those efforts which Members choose to support. (b) As long as the country's sovereignty is respected. (c) An international register of perpetrators of such offences should be created and exchanged among member States.

Portugal. CIP: (a)-(c) No. This is already covered through international cooperation to combat crime.

CGTP-IN: (a)-(c) Yes. As long as access to such a register remains limited to judicial bodies, and rules applicable to personal data are respected, so that individual rights are not violated.

San Marino. (c) Yes, if they already have a criminal record.

Slovakia. (b) No. This provision should be included in the Convention.

South Africa. BSA: (a)-(c) Yes. The particulars of perpetrators should be in normal criminal records.

Spain. UGT: (c) No; this may not be effective and may undermine other basic rights.

Switzerland. This should be in the Convention.

UPS: (a) This should particularly concentrate on the fight against international networks in the trade of children. (c) This is a technical police problem.

USS/SGB and VSA: Yes.

Turkey. TISK: (a) No. An international instrument should not impose legal sanctions. (b) Yes, subject to national regulations.

TÜRK-IS: (a)-(c) Yes. Public awareness and the awareness of international institutions should be increased. The recording and publication of actual situations by the media would assist in evaluating what precautions should be taken at an international level.

Ukraine. (a) This approach is particularly relevant to the CIS countries where "transparency" of borders makes it possible for criminal groups to exploit child labour. (b) "Illegal activities" should be defined and the protection of migrant working children should be added. (c) Information should be provided to the law enforcement bodies of each country and, on a selective basis, to the mass media.

United Kingdom. (c) Yes, but further clarification and elaboration of this question is required.

United States. (b) Yes, but see comment concerning child sexual exploitation under Question 7 (b). (c) The United States requires the 50 States to maintain registries of sex offenders. States also maintain registries of child abuse offenders. These differ on types of information.

USCIB: (a) and (b) Yes, if new national machinery is not required. (c) Yes, when permitted under national law and practice. Uniformity among States would be difficult.

AFL-CIO: (b) Yes, including those involved in the use of children in violation of the Convention, even if not illegal within the member State.

Venezuela. INAM: Yes, to obtain a complete and reliable record of abuses against children so that policies can be created or reinforced to eradicate this very serious problem.

SENIFA. The only effective way of preventing extreme forms of child labour is to confront criminal groups directly. This requires appropriate and easily accessible databases on the Internet.

CTV: (a)-(c) Yes, and the Recommendation should provide that Members should adopt and enforce legislation that requires offenders to be punished regardless of their rank and power.

This question addresses the international aspects of extreme forms of child labour and the need for international cooperation where international networks are involved and where perpetrators of offences cross borders to engage in prohibited activities. It is also an example of the type of international cooperation and assistance referred to in *Point 12*.

The provisions of this question correspond to *Point 21* of the Proposed Conclusions. The insertion of "in so far as it is compatible with national law" is based on the concern in some replies about the possible conflict with laws on privacy or rehabilitation of offenders, which might particularly affect the ability to comply with subparagraph (c). Subparagraph (b) has been redrafted to be consistent with the changes made to *Point 9* (b). The criminal offences referred to are those in violation of provisions aimed at the immediate suppression of extreme forms of child labour. This provision was also drafted with the work of INTERPOL in mind, which works through its member countries to collect data on offences against minors and to promote mutual assistance between all criminal police authorities.

Some countries argued that this needed to be done, or was better done, in conformity with bilateral agreements for mutual legal assistance. One employers' organization said it was a benefit for those who did business internationally to have access to information about illegal activities of potential business partners, customers or suppliers. Some reiterated earlier concerns about including matters on criminal law in these instruments.

Qu. 20 *Should the Recommendation provide that national laws and regulations should consider the following as criminal offences: (a) all forms of slavery or practices similar to slavery, the sale and trafficking of children, forced or compulsory labour including debt bondage and serfdom; and (b) the use, engagement or offering of a child for prostitution, production of pornography or pornographic performances, production of or trafficking in drugs or other illegal activities?*

Subparagraph (a):

Total number of replies: 105.

Affirmative: 101. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, Uruguay, Yemen, Zimbabwe.

Negative: 2. Canada, United Kingdom.

Other: 2. Lebanon, Venezuela.

Subparagraph (b):

Total number of replies: 106.

Affirmative: 101. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Yemen, Zimbabwe.

Negative: 1. Canada.

Other: 4. Croatia, Lebanon, New Zealand, Venezuela.

Algeria. UNEP: (a)-(b) Yes.
CGOEA: (a)-(b) Yes.

Australia. (a) The provision should be flexible. If these problems do not exist in a country it would be difficult to justify legislating against them. (b) The reference to "other illegal activities" is vague. If the relevant activities are illegal, they will already be prohibited. Where the use of an adult in such activities would constitute an offence, the use of a child should be an aggravating factor. The use of a child under 16 should be a further aggravating factor.

Austria. (b) Yes, but the illegal activities should be more precisely defined.

Brazil. CGT: Yes. All types of slave labour should be considered a criminal offence, not just child labour.

Bulgaria. Committee for Youth and Children of the Council of Ministers: (a)-(b) This provision should be in conformity with the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950).

Canada. (a) and (b) Delete if the proposed changes to Question 9 are accepted.
CEC: (a)-(b) Yes.

Croatia. (a) Yes, in the case of labour issues. Other criminal acts fall within the ambit of criminal law. Thus a general provision on the obligation to determine criminal acts related to the application of the Convention should be included.

Ghana. (a) All forms of slavery are criminal and must be recognized as such. (b) Since the child is likely to have no choice in the matter, these should be considered criminal offences.

Greece. Criminal law could be used to fight extreme forms of child labour.

Guatemala. (a) and (b) Yes, so that national legislation is adapted and reformed in accordance with agreements signed by the country concerned.
CACIF: (a) and (b) Yes, but the constituent elements of the offences listed should be specified.

Honduras. CCIT: (a) and (b) Such cases should be brought before the competent authority for the application of sanctions.

Hungary. (a) and (b) Should be included in the Convention.

Italy. (a) and (b) Such offences should be severely punished. These provisions should be incorporated into the Convention.

Jamaica. JEF: (a) and (b) However, care should be taken where child labour is in family or home enterprises.

Japan. See reply to Question 19 about definitions.

Jordan. FJCC: (a) and (b) Yes, because these are severe and serious actions which cause children to become criminals.

Kenya. COTU: (a) Yes. These forms of child labour contravene basic human rights. Productive employment must be freely chosen. (b)Yes. These forms of work corrupt children and make them vulnerable to sexually transmitted diseases and HIV.

Lebanon. (a) and (b) This should be left to national laws and regulations.

Mauritius. CMT: (a) Yes. Children should not be made a scapegoat on account of the poverty of countries. (b) Yes, because these forms of labour prevent the development of children.

New Zealand. (a) and (b) See replies to Questions 7 (a) and (b).
NZCTU. (Questions 20-25) Yes, subject to reservations on eliminating all child labour.

Oman. Chamber of Commerce and Industry of Oman: (a) and (b) Yes.

Pakistan. (a) All forms of slavery are serious violations of human rights and must be abolished.

Portugal. CIP: (a) and (b) Defining penal offences should be left to the States, as should the definition of the types of work that might jeopardize the health, safety and morals of children.

CGTP-IN: (a) and (b): Yes. Such conduct is tantamount to a violation of the most fundamental human rights and should be considered as criminal offences under any legal system.

Switzerland. This should be in the Convention.

UPS: (a) and (b) Yes. These are intolerable.

USS/SGB, VSA: (a) and (b) Yes.

Thailand. (b) Same as reply to Question 7 (b).

Ukraine. (a) These activities should be subject to criminal prosecution of the persons concerned, including parents. (b) Lower age limits should be determined for those countries where prostitution is not subject to legal prosecution.

United Kingdom. (a) No. It would be difficult and unnecessary to formulate criminal laws which start from the proposition that there is such a thing as a slave.

TUC: Add "in particular" after "consider". (a) Yes. (b) Yes.

United States. The focus of the Recommendation should be on programmes to eliminate the abuse of children and to rehabilitate and reintegrate the affected children. (b) Yes, however, there should be no implication that these activities could constitute legitimate work.

Uruguay. Employers: (a) and (b) No, a Recommendation cannot create criminal offences.

Venezuela. INAM: (a) and (b) Yes, but in the Convention. States should be asked to confirm that their national legislation provides penal sanctions.

SENIFA: (a) and (b) The Convention should include definitions of the offences. The Recommendation should state that the offences are a matter for public action and should urge Members to establish simple mechanisms for denouncing and prosecuting them at an international level.

CTV: Penalties should be strictly enforced against anyone found guilty of these offences as subjecting children to any one of these situations is worse than depriving them of life.

This provision received support from the vast majority of replies, a number of which emphasized the serious violations of basic human rights involved in the activities specified, and the devastating effects of such activities on children. Thus a corresponding point has been drafted in the Proposed Conclusions *(Point 22)*.

This and Question 21 provide further guidance for the implementation of *Point 11* (1). The Convention provision refers to measures including criminal penalties, but leaves it up to national law to decide which actions warrant criminal sanction, what the particular penalties are to be and how they would be applied. *Point 22* suggests that the activities in Question 7 (a) and (b) should be crimes. As this is a provision in a Recommendation, the particulars of all legal systems need not be reflected, since these will be taken into account by the member State in deciding whether to apply the provision. Those who have ratified Convention No. 29 are already subject to the obligation to punish forced or compulsory labour of children as a criminal offence and to ensure that the penalties are "really adequate and are strictly enforced". Numerous governments reported that the actions listed in subparagraph (b) were already criminal offences.

Some replies felt that there should be no obligation to legislate where the problem did not exist or would not be acknowledged as possible, such as slavery. Some saw a seeming inconsistency in subparagraph (b) concerning the use of a child in illegal activities. The criminal offence in that case would be engaging the child in an

activity which was illegal. For example, dealing in drugs could already be illegal, but using a child to deliver drugs would also be a crime. Some governments believed that the seriousness of the violations warranted putting the provision in the Convention. This again raises the issue for the Conference of whether specific penalties for specific violations should be in the Convention as a basic obligation of States to suppress extreme forms of child labour.

Should the Recommendation provide that national laws and regulations should also provide criminal penalties for serious and repeated violations of the prohibitions referred to in Question 7 (c) above? **Qu. 21**

Total number of replies: 105.

Affirmative: 94. Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 6. Bahrain, Japan, New Zealand, Singapore, Slovakia, Turkey.

Other: 5. Canada, Denmark, Lebanon, Mexico, Pakistan.

Algeria. UNEP: Yes.
CGOEA: Yes.

Australia. ACTU: Delete "serious and repeated."

Austria. Yes, but stipulate more precisely.

Austrian Confederation of Trade Unions (ÖGB) / Federal Chamber of Labour (BAK): Penal sanctions should be provided for serious as well as repeated offences.

Belgium. Also provide for measures which effectively prohibit children in activities considered dangerous to their health, safety, or morals.

Benin. If possible, increase the penalty in the event of a repeated offence.

Brazil. CNC: No, this should be governed by national legislation.

Canada. If the proposed changes to Question 9 are accepted, delete this.
CEC: Yes, but recognize national law and practice because countries vary in the balance they strike between criminal and civil sanctions. Be clear about which activities warrant criminal sanctions.
CNTU: Yes.

Chile. Yes, when violations endanger the life or physical or mental well-being of the child.

Croatia. Yes, but not just for repeated violations.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: According to national laws on penalties and remedies.

Denmark. The phrase "serious and repeated" should be deleted, as it suggests that there is a distinction between unacceptable child labour and acceptable child labour.

El Salvador. Yes. It is necessary to stress the protection of children with respect to adults. Penalties are essential.

Finland. This provision should be included in the Convention. Criminal penalties are inadequate as they stand. Thus member States should provide adequate legal consequences for using child labour.

SAK, STTK, and AKAVA: Delete "serious and repeated". Sanctions should include imprisonment.

France. Yes, provided Question 7 (c) is drafted differently. Such general provisions are not consistent with the principle that penalties should be proportionate to the crime.

CFDT. Delete "serious and repeated."

Ghana. Penalties should be punitive to serve as a deterrent.

Greece. Yes, but not only for repeated violations.

Honduras. COHEP, CTH and FECESITLIH: Yes, by increasing sanctions for repeated offences.

Hungary. MSzOSz: This should be included in the Convention.

Italy. Sanctions should be severe, and could be increased in the case of repeated offences.

CGIL, CISL, UIL: Penal sanctions should be established for all cases in Question 7 (c).

Ireland. ICTU: Yes. Delete the words "serious and repeated".

Japan. Because legal systems differ on criminal penalties, delete this provision or include "in accordance with national circumstances". The provision is also inconsistent with the phrase in Question 9 (1): "as appropriate, the provision and strict enforcement of adequate criminal penalties".

Kenya. COTU: Yes, as a deterrent measure.

Lebanon. This should be left to national laws and regulations.

Mexico. Criminal penalties should only be provided for offences such as in Question 14 (a). For non-criminal offences, administrative sanctions should be contemplated, including permanent closing of establishments.

Namibia. Office of the Labour Commissioner: Yes, mandatory imprisonment and heavy fines.

Ministry of Labour: No.

Netherlands. FNV: Yes. The words "serious and repeated" should be deleted.

New Zealand. These suggested provisions are too prescriptive. Effective implementation will depend on national solutions devised by the member States.

Norway. Delete the words "serious and repeated".

Oman. Chamber of Commerce and Industry of Oman: Yes.

Pakistan. This should be included in other instruments.

Portugal. Yes, in cases of severe violations of these prohibitions.

CGTP-IN: Yes. Such conduct is generally categorized as a minor offence and gives rise to economic penalties. It should be treated as a criminal offence, which requires not only heavier sanctions, but moral censure, as for conduct which violates basic human rights.

Slovakia. Criminal penalties should be provided in the Convention, not in the Recommendation.

South Africa. BSA: Yes. However, the definition of the type of work referred to in Question 7 (c) is important. There also needs to be clarity on who the offender is: the employer, parent or both?

Spain. It is important to have different age groups: below age 16, 16 to 18, and above 18 years.

Switzerland. This should be in the Convention.
UPS: This must be evaluated in the framework of the entire penal system of a country.
USS/SGB: Delete "serious and repeated".
VSA: Yes.

Turkey. TISK: No. This should be in the labour legislation of member States.
TÜRK-IS: Yes, but legal procedures need to be established. Financial penalties could be used.
TEKSIF: Delete "serious and repeated".

Ukraine. The term "repeated violations" should be deleted. A clear list of the types of work and legislative standards should be made, and a procedure should be established to inform employers about their criminal responsibility for committing this type of offences.

United Kingdom. TUC: Yes. The paragraph should refer to Question 7 (a)-(c) of the Convention.

United States. USCIB: No, see answers to Questions 2 and 7 (c) above.
AFL-CIO: Yes, but for all violations not only serious and repeated violations.

Uruguay. Employers: No. A Recommendation cannot create criminal offences.

Venezuela. SENIFA: Penalties should be included in the Convention. The Recommendation should set out reasons for inclusion and guidelines for enforcement.
CTV: The severity of sanctions should be specified and the obligation to enforce included.

As a clear majority of replies were in favour of this provision, it has been included as *Point 23* in the Proposed Conclusions. However, as drafted, it refers only to repeated violations. There was some concern that referring to "serious" violations would imply that some violations might not be serious. The wording "at least for repeated violations" implies that criminal penalties could be applied in other cases.

Some governments believed that the seriousness of the violations warranted putting the provision in the Convention. Several replies, primarily workers' organizations, suggested deleting "serious and repeated" so that all violations would be subject to criminal penalties. Some maintained that there should not be a distinction between *Points 22* and *23*, but that violations related to *Points* 9 (a), (b) and (c) should be subject to criminal penalties. This presents the issue for the Conference of whether there should be a distinction and on what basis.

Should the Recommendation also provide for other measures to ensure the effective enforcement of the provisions of the Convention such as: **Qu. 22**

(a) providing compensation to the children affected to be paid by persons found guilty of violations?

(b) closing down establishments or suspending or revoking authorizations to operate?

(c) other? Please specify.

Subparagraph (a):

Total number of replies: 102.

Affirmative: 92. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Yemen, Zimbabwe.

Negative: 6. Brazil, Croatia, Cyprus, Mexico, New Zealand, Uruguay.

Other: 4. Japan, Lebanon, Malaysia, Switzerland.

Subparagraph (b):

Total number of replies: 104.

Affirmative: 89. Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 8. Bahrain, Croatia, Cyprus, Ethiopia, Mexico, New Zealand, Singapore, Slovenia.

Other: 7. Bahamas, Guyana, Japan, Lebanon, Malaysia, United States, Switzerland.

Subparagraph (c):

Total number of replies: 61.

Affirmative: 38. Argentina, Australia, Austria, Belgium, Benin, Cameroon, Canada, Chad, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, El Salvador, Ethiopia, Finland, Ghana, Greece, Guyana, Honduras, Italy, Jordan, Kuwait,

Lebanon, Latvia, Namibia, Nicaragua, Norway, Panama, Peru, Philippines, San Marino, Spain, South Africa, Suriname, Uganda, Ukraine, United States.

Negative: 22. Bahrain, Brazil, Colombia, Dominican Republic, Eritrea, Estonia, India, Iraq, Jamaica, Republic of Korea, Mexico, Mongolia, Nepal, Netherlands, Pakistan, Singapore, Slovakia, Sri Lanka, United Republic of Tanzania, Thailand, United Kingdom, Venezuela.

Other: 1. United States.

Algeria. UNEP: (a)-(b) Yes.

CGOEA: (b) No, provision should only be made for suspending the authorization to operate.

Argentina. (c) Sanctions at international level targeting multinational enterprises.

Australia. (a) This should be considered within the context of criminal injuries compensation schemes. (b) In appropriate circumstances, such as for serious and repeat offenders, to provide disincentives for employers. (c) Regular public reporting of abuses and enforcement action/results.

Austria. (a) Yes, but the question of compensation for non-material loss should be clarified. (c) Withdrawal of state contracts or state or state-controlled investments; withdrawal of tax advantages; loss of access to public funding and cancellation or repayment of existing subsidies.

Bahamas. (b) Close down establishments.

Belgium. (c) Programmes and centres for psychological assistance, subsidised as far as possible.

Benin. (b) Yes. However, this measure would only affect a minority of users of child workers, since most of them are in the informal sector.

Brazil. (a) No, because in poor countries such compensation could become a source of income.

CNI: (a) Yes. (b) Only in the event of a repetition of the offence after previous inspection visits.

CNC: (a) and (b) No, this should be governed by national legislation.

CGT: (a)-(c) Yes.

Canada. Use "implementation", not "enforcement". (a) Refer to "violations" of the Convention. (c) Impose community work on those who violate the Convention. Ensure that support measures for children and their families are implemented with the involvement of NGOs, unions and the private sector.

CEC: No. Delete or allow for variations according to national law and practice. (a) This may encourage a search for "deep pockets".

CNTU: (c) Social support measures involving NGOs and trade unions.

Cape Verde. ACS: (b) No.

Chad. (c) The prosecution of offenders with penalties, including prison sentences, and stronger penalties for repeat offenders.

Chile. (a) Yes, in accordance with national law on compensation for injury to the person or property. (b) Yes, when it is a serious offence endangering the life or health of a child, and in case of omissions or criminal acts which make the operation of the establishment illegal or merit cancellation of the operating permit.

China. ACFTU: (a) Yes. The instrument should also provide for relief in cases where persons found guilty are unable to provide compensation. (b) Yes, but the specific conditions

should be taken into consideration. (c) State relief to victims, particularly when perpetrators cannot pay.

Colombia. (c) Monitoring to prevent recurrent violations.

ANDI: Before implementing new measures, existing ones should be strictly enforced. Penalties already include suspending or revoking licences to operate.

Costa Rica. (c) Offenders should be made to follow a course on the provisions of the Convention to make them aware of the seriousness of their acts.

Croatia. (a) and (b) These issues are beyond the scope of the Convention. (c) Oblige the competent authority to provide, by means of supervision and criminal sanctions, for effective implementation.

Cuba. (c) Preventive measures related to education and employment.

Cyprus. (a) and (b) No, because it would be difficult to apply.

Cyprus Workers' Confederation (SEK) and Pan-Cyprian Federation of Labour (PEO): (a) and (b) Yes.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (a) and (b) According to national laws on penalties and remedies.

Dominican Republic. CONEP: (a) and (b) Such provisions are susceptible to political abuse.

Egypt. (a) Yes, to act as a deterrent. (b) Yes, to provide examples to other establishments.

El Salvador. (a) Yes, economic compensation to meet basic needs for education and health. (b) Yes, with efforts to prevent reopening through subterfuges and fictitious fronts. (c) Yes, social services for children.

Eritrea. (a) Yes, to help repair the social and economic damage inflicted on the child.

Estonia. Association of Estonian Trade Unions: (b) No.

Ethiopia. (b) This is difficult, especially in developing countries where these enterprises also employ adults. (c) Exclude enterprises from tax deductions and trade promotion options.

Finland. (c) Attention should focus on the root causes of child labour. Otherwise children will merely switch to work in other sectors.

France. CNPF: (a) Ensure that the sanction is proportionate to the offence. (c) Yes, possibly penal sanctions.

CFE-CGC: (c) No.

Gabon. (a) These indemnities should be very high for habitual offenders. (b) These sanctions should apply automatically.

Ghana. (a) Compensation should ensure effective resettlement of the child. (b) It is hoped such measures would deter operators who intend to use their establishments as a camouflage to exploit children. (c) Community service for recalcitrant offenders.

GNCC: (b) They should be taken over by the government or another competent organization to provide jobs for adults.

Greece. These measures must be applied in extreme cases and in cases of repeated offences by the employer. Those found guilty of offences mentioned in Question 7 (a) and (b) cannot be employers. Provide for the seizure of the benefit gained from the sexual or economic exploitation of children.

Guatemala. (a) Yes, provide compensation for injuries. Also consider a fixed term of imprisonment.

CACIF: Criminal sanctions should be established according to each country's legal system.

FESEBS: (c) Payment to a State fund to finance child-oriented projects.

Guyana. (a) Assurance must be given that the child victim benefits directly from monetary compensation. (b) Only when it is a perpetrator's second offence. (c) Penalties for businesses that are sustained entirely by child labour.

Honduras. (c) Yes, and revise national legislation to make the penalties more severe.

COHEP: (a) Yes, by establishing general rules and sanctions regardless of the kind of enterprise or employer. (b) For repeated and proven violations. (c) Imposition of administrative financial penalties.

CTH and FECESITLIH: (c) These offences should be dealt with as quickly as possible.

Hungary. Hungarian Industrial Society (OKISZ): (a) and (b) Omit these measures.

Ireland. ICTU: (a) Yes, in line with the principle that the "polluter" pays. (b) Yes. Efforts are required to provide alternatives for the children.

Italy. (a) Yes, provided that the compensation is adequate. (b) The duration of the closure should depend on the seriousness of the case, perhaps until the replacement of child labour with adult labour. (c) Assistance to extremely poor families and programmes of educational reintegration.

CGIL, CISL, UIL: (b) Subsidies to replace child labour with adult labour, possibly from the same family. (c) Programmes of physical, psychological and educational rehabilitation.

Jamaica. JEF: (a) Subject to national laws. (b) Yes, but with authorization to appeal the decision.

Japan. This provision should be flexible and allow Members to take measures in accordance with their national situations. (a) If this provision makes a person who has committed a criminal offence liable for compensation to the affected children simply because of the offence, regardless of whether the relevant civil law has been satisfied, the provision confuses civil and criminal law and should be deleted.

Jordan. (c) Prevention of any other form of child labour exploitation.

ACI: (a) This matter should be left to legislators. (b) Extreme measures should only be taken in the event of repeated violations.

FJCC: (a) and (b) Yes, but these may be difficult to apply. (a) Persons found guilty in developing countries would not be able to pay. (c) Awareness campaigns are more important.

Kazakhstan. Association of Trade Unions: (c) Yes. Prohibiting natural persons from engaging in activities involving children.

Kenya. COTU: (a) Yes, to deter repeat offenders. (c) A social clause should apply to countries and products produced with a high content of child labour.

Kuwait. (c) Prosecuting establishments and persons causing harm to children; finding alternatives for disadvantaged children; periodical inspections of establishments; and adoption of laws that require legal action to be taken against the agent.

Latvia. (c) Imprisonment.

Lebanon. (a) and (b) This is a matter of national laws and regulations. (c) Parents should be made responsible under national laws for the employment of their children.

Malaysia. (a) This should be left to the discretion of member States.

MTUC: (a) and (b) Yes.

Mauritius. CMT: (a) Yes. The person violating the rules should be responsible. (b) No. The concerned persons should be given a chance to remedy their actions. If not, appropriate action could be taken. (c) Closing businesses for a certain period.

FCSU: (a) Yes. Compensation and assistance in such cases is essential.

Mexico. This is a matter for national legislation. Types of infractions might have different legal consequences depending on whether children are used in illegal, intolerable or labour activities.

Mongolia. (b) Fines could also be paid by such establishments.

Morocco. (a) This should read "provide compensation to the child victims of offences". (a) and (b) The content of Question 9 (1) should be included with this provision in the Recommendation.

Namibia. (a) The compensation should go to child victims and their parents or guardians. (b) and (c) In the worst cases, violators should be prosecuted.

New Zealand. See reply to Question 21.

Nicaragua. (a) There should be more emphasis on preventing violations. (c) Imprisonment.

Oman. Chamber of Commerce and Industry of Oman: (a) Yes. (b) Yes, provided that the offence is proven under national law.

Pakistan. (a) This could help curb child labour. (b) This could oblige establishments to avoid employing children.

Panama. (c) Use payments by offenders to finance programmes against child labour.

Peru. (b) Yes, not only a fine but a penalty proportional to the injury caused. (c) The responsible authorities should be penalized when they fail to fully carry out their obligations under the law.

Philippines. (a) Yes to compensation, but depending on the situation in member States. The payment by persons found guilty of violations could be problematic. Is important that the guilty party is punished. If money has to be extracted, the amount could form part of a trust fund for programmes for child workers. (b) Yes, however, there should be a mechanism whereby enterprises can continue to operate under the guidance of the authorities. (c) Imprisonment of the management / owner and compensation in the form of scholarship vouchers to children.

Poland. OPZZ: (c) Provide for the introduction of criminal penalties in national legislation.

Portugal. CIP: No, as a Convention is not necessary. The issue of sanctions should be left to national law.

CGTP-IN: (a) and (b) Yes, additional penalties to the basic penalty of jail or fine. (c) Yes, other measures could include: making the identity of violators public; revoking subsidies or advantages granted by the government including bids on government contracts; publicizing the names of goods produced with child labour.

Qatar. (b) Yes, provided that the law stipulates the cases in which such measures are to be taken.

Romania. CSDR: (a) No.

San Marino. (c) Initiatives to sensitize world public opinion.

Slovakia. (b) Yes, although this is a severe sanction.

Slovenia. (b) The type of business should be considered. It would be appropriate to close brothels, but hotels, restaurants, and carpet weaving workshops, for example, should be forced to hire adults.

South Africa. (b) Yes, for extreme cases of repeat offenders. (c) Preventing companies that engage in such acts from tendering for government contracts or receiving government assistance in any way.

BSA: (a) No. This could induce children to seek employment not only to earn a wage, but to claim punitive damages. (b) No. Such a measure is too drastic. In the case of well-defined extreme forms of child labour, such a measure could be justified.

Spain. (a) It would be difficult to apply in practice. (b) Yes, in exceptional cases. (c) Offenders should be forbidden to practise their profession.

UGT: (c) Criminal measures when there is no possible reparation for the victim's suffering.

Suriname. (c) Introduce supervisory mechanisms in rural areas.

Switzerland. This should be in the Convention. Yes, if the recommended methods are effectively dissuasive. But as remedial measures, they are not necessarily the best adapted ones. Closing down an enterprise is only a temporary solution. Compensation to the child could be helpful for the family that would no longer need to send the child to work, but it would not make up for damages to the child's health and development, or for the lost years of schooling.

UPS: No. This is too detailed and should be left to the States.

USS/SGB: (a) Yes. (b) Yes.

VSA: (a) No, because the provision suggests that there is no obstacle to prohibited child labour if compensation is paid. (b) Yes. These are better measures than subparagraph (a).

Turkey. TISK: (a) and (b) No, because it is inconsistent to punish an economic offence with a criminal penalty. It would also be impossible to establish an international authority to deal with the closing down of establishments.

TÜRK-IS: (a) Yes. The perpetrators could be punished by imprisonment. (b) No, because this is a severe punishment. Imprisonment of the perpetrators would be more appropriate.

Ukraine. (a) Both natural and legal persons should be prosecuted. Compensation for both material and moral damage should be provided. (b) Including joint ventures and foreign firms. (c) Selling an employer's property at bargain prices for violating child labour standards. Subsequently, funds should be transferred to public foundations to combat child prostitution and drug addiction.

United Kingdom. (a) Yes, but insert "appropriate" compensation.

United States. (b) There is no authority under national legislation to close down a child labour violator's establishment. (c) The Recommendation should suggest examples of other measures to ensure implementation of the Convention.

AFL-CIO: (a) and (b) Yes. (c) Yes, including punitive fines to be refunded to appropriate educational, monitoring and rehabilitation programmes of the State.

Uruguay. Employers: No.

Workers: (a) Yes. (c) No. There is no need for other measures.

Venezuela. INAM: (a)-(c) These measures should be included in the Convention.

SENIFA: (a)-(c) These measures should be included in the Convention. The Recommendation should urge Members to strengthen bodies responsible for enforcement.

CTV: Repeat offenders should be imprisoned.

Yemen. FCCI: (a)Yes, but not instead of criminal sanctions.

Point 24 has been included to suggest remedies that could be employed in achieving effective enforcement of national provisions aimed at the immediate suppression of extreme forms of child labour.

Subparagraph (a)

Some replies pointed out that the guilty party might not have the resources to compensate the child victim and that there should therefore be an alternative if the guilty party could not pay. Payment from the State was suggested, in the form of crime victim funds or other sources. In such cases, the State could seek reimbursement from the guilty party. Subparagraph (a) has been drafted without a specific

requirement that the compensation be paid by the persons found guilty of the violations, leaving it to the member State to decide the avenue of redress. However, it should be noted that the intention behind designating the guilty party was to provide a deterrent as well as punishment.

Those opposing the provision were concerned that such compensation might be sought as a source of income or imply that if money were paid, there would be no other consequence of a violation.

Subparagraph (b)

Subparagraph (b) is also included in *Point 24* since most replies supported including such a possibility. Some pointed to hardships that might result where adult workers would also be affected. Some governments and employers' organizations felt the provision was too prescriptive and inflexible, while others specified the cases when such a provision might be applied — such as when the commercial purpose of the establishment was illegal, criminal offences occurred on the premises, the life or health of children was threatened or where there had been loss of life. Some also mentioned the need for alternatives for the children. These details are left for determination by national law. Examples of such types of provision in national laws are included in the chapter on enforcement in *Child labour: Targeting the intolerable*.

Subparagraph (c)

A variety of additional provisions were suggested for inclusion in this Point and are for consideration by the Conference. Some suggested specifying that fines should directly benefit the children involved or child labour programmes. Several replies mentioned that employers in violation should forfeit opportunities to obtain public contracts, tax benefits and government subsidies. Other suggestions related to measures already covered in the Proposed Conclusions.

Qu. 23 *Should the Recommendation provide that other measures to eliminate all extreme forms of child labour should include the following:*

(a) informing and sensitizing national and local political leaders, parliamentarians and the judiciary?

(b) involving employers' and workers' organizations as well as community and civic organizations?

(c) targeting inspection and enforcement measures on extreme forms of child labour?

(d) appropriate training for inspectors, law enforcement officials, public prosecutors, members of the judiciary, national and local government officials, health professionals, educators and other concerned individuals and organizations?

(e) adoption of laws allowing for the prosecution of those who commit offences in a country other than their own in violation of the provisions giving effect to the Convention?

(f) simplification of legal and administrative procedures?

(g) arrangements for giving publicity to child labour provisions in relevant languages or dialects?

(h) as appropriate, establishment of special complaints procedures, help lines, and ombudspersons?

(i) other? Please specify.

Subparagraph (a):

Total number of replies: 105.

Affirmative: 98. Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 4. Bahamas, Bahrain, Mexico, Singapore.

Other: 3. Gabon, Japan, New Zealand.

Subparagraph (b):

Total number of replies: 105.

Affirmative: 102. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 0.

Other: 3. Japan, Mexico, New Zealand.

Subparagraph (c):

Total number of replies: *105.*

Affirmative: 100. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. Belgium.

Other: 4. Japan, Mexico, New Zealand, Norway.

Subparagraph (d):

Total number of replies: 104.

Affirmative: 100. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 0.

Other: 4. Japan, Lebanon, New Zealand, Norway.

Subparagraph (e):

Total number of replies: 103.

Affirmative: 84. Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Colombia, Costa Rica, Czech Republic, Denmark, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Panama, Peru, Poland, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka,

Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, Venezuela, Yemen, Zimbabwe.

Negative: 11. China, Croatia, Cyprus, Dominican Republic, Japan, Jordan, Mexico, Pakistan, Philippines, United Kingdom, Uruguay.

Other: 8. Australia, Chile, Cuba, Lebanon, New Zealand, Norway, Portugal, United States.

Subparagraph (f):

Total number of replies: 106.

Affirmative: 93. Argentina, Armenia, Australia, Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 10. Austria, Bahrain, China, Croatia, Estonia, Finland, Mongolia, Poland, Slovenia, Suriname.

Other: 3. Japan, New Zealand, Norway.

Subparagraph (g):

Total number of replies: 102.

Affirmative: 96. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 4. Cape Verde, China, Mongolia, Singapore.

Other: 2. Japan, New Zealand.

Subparagraph (h):

Total number of replies: 104.

Affirmative: 94. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 5. Cape Verde, China, India, Mongolia, Singapore.

Other: 5. Chile, El Salvador, Japan, Malaysia, New Zealand.

Subparagraph (i):

Total number of replies: 48.

Affirmative: 29. Argentina, Australia, Austria, Bangladesh, Benin, Brazil, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Croatia, Estonia, Ethiopia, Fiji, Ghana, Honduras, Italy, Kuwait, Malta, Namibia, Norway, Panama, Portugal, San Marino, South Africa, Sri Lanka, Uganda, Ukraine.

Negative: 19. Bahrain, Chile, Cyprus, Dominican Republic, Eritrea, Finland, India, Iraq, Jamaica, Republic of Korea, Netherlands, Nicaragua, Pakistan, Peru, Singapore, Slovakia, Suriname, United Kingdom, Venezuela.

Algeria. UNEP: (a)-(g) Yes.
CGOEA: (a)-(e) and (g) Yes.

Australia. This provision should be qualified by the words "where appropriate". (e) It is unclear whether this means prosecution where the person is a citizen or prosecution where the person commits the offence. If the question refers to the former for an offence committed in another country, then this raises issues concerning extraterritoriality. Australian citizens and residents who engage in sexual conduct with children overseas can be prosecuted on their return. (f) The need to protect the child's identity in any proceeding should be recognized. (i) The Recommendation could list other appropriate measures but leave the determination of such measures to Members in the context of national circumstances.

ACCI: (e) Yes, depending upon the seriousness of the offence and local laws.

ACTU: (b) Insert "fully" at the beginning of the subparagraph and "involving" before "community". (c) Delete "extreme forms". (d) Add "especially employers' and workers' organizations" at the end of the phrase. (e) Insert after "offences:" "or knowingly cause offences to be committed," and add at the end "and cooperation in international efforts to gather and exchange information and detect and prosecute those responsible." (f) Replace "simplification" with "improving the effectiveness of". (i) Add "obtaining and disseminating information on relevant and credible industry codes of practice and child-labour-free labels."

Austria. (c) Clarify "inspection and enforcement measures". This is redundant if it means inspection and enforcement measures to eliminate extreme forms of child labour. (e) Yes, but this should be limited to offences defined in practical terms. Alternatively, national legal systems should be able to reserve the right to apply the extraterritorial rule only where the

offender is liable under the law of both States. (f) No, it is too general. (i) More efficient and reliable international legal cooperation concerning extradition and conveying evidence.

WKÖ: (f) Yes.

ÖGB/BAK: (f) Yes.

Bangladesh. (i) Remediation.

Belarus. BKPP: (a)-(f) and (i) No.

Benin. (i) Informing and sensitizing parents on the urgency of the matter.

Brazil. (a) Yes, because all three groups are responsible. (b) Yes, because these people are closer to the real problem.(f) Yes, to speed up such procedures. (i) Databases of information on perpetrators should be established.

CNI: (e) The sovereignty of each country must be respected.(f) Simplification of procedures should not infringe the right to a full defence. (g) Yes.

CGT: (c) Yes, but not just for extreme forms of child labour. (i) The introduction of data processing systems in developing countries.

Bulgaria. Committee for Youth and Children of the Council of Ministers: (d) Yes, with international funding. (e) Yes, by bilateral agreements. (g) The national situation should be taken into account.

Cambodia. (d) With the assistance of IPEC.

Cameroon. (g) This is an important undertaking, since it will reach more people.

Canada. (a) and (b) A successful end to child exploitation requires the involvement of those in influential and powerful positions. (f) Yes, as well as allow for special and emergency procedures. (i) Encouraging informants to come forward. In certain cases, imposing fees on perpetrators to finance support programmes for children.

CEC: (e) No. Judicial cooperation between countries is to be preferred over extraterritorial application of national laws. (i) Direct dissemination of information on this subject to employees.

CNTU: (f) Yes, but not oversimplified so as to render only summary justice. (i) Fines to be paid by violators and used in child support programmes.

Cape Verde. ACS: (g) No.

Chile. (e) Only to the extent that it does not breach the basic territoriality principle and is subject to sovereign legislative decisions. (f) Yes, when existing procedures are not expeditious.

China. (e), (g) and (h) No. National laws and regulations should apply. (f) National laws and regulations should be implemented in full.

ACFTU: (a)-(e) Yes.

Colombia. DTT: (i) Add strategies based on intercultural exchange aimed at reforming traditional perceptions of paternity and parenthood, to create an international social ideal that respects children's rights and promotes an adulthood that protects and is responsible for young persons.

ANDI: These measures would help create a new culture of respect for children. Reliable statistical information is needed to identify problems and effective solutions to eradicate this scourge.

Croatia. (c) All forms of child labour should be included. (e) This is beyond the scope of the Convention. (f) This would be excessive interference with the competence of member States. (i) Compulsory education, which most effectively eradicates child labour.

Cuba. (a)-(d) and (f)-(h) Measures should be adopted consistent with the magnitude and seriousness of the problem. These measures could form a common basis for monitoring, preventing and eliminating exploitative child labour. (e) The extraterritorial application of crimi-

nal legislation is not accepted either in international Conventions to which Cuba is a party or in the Cuban criminal system.

Cyprus. (e) It would be difficult to apply such a provision.
PEO: (e) Yes.
SEK: (e) Yes.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (a) No. (b) Only within the framework of information disseminated by the ILO. (c)-(i) According to national law on penalties and remedies.
CMK OS: (a) Yes. (b) Same proposals as made by ACTU under Australia.

Denmark. (a) This would be unusual in Denmark, but possibly relevant elsewhere.
LO/FTF: (c) "Extreme forms of" should be deleted. (d) Employers and workers should be added to emphasize the special importance of these organizations.

Dominican Republic. CONEP: (e) No, such a provision is dangerous for geopolitical reasons.

Egypt. (a) Yes, to involve high levels. (e)Yes, to prevent foreigners from manipulating the human resources of the future in countries other than their own. (g) Measures to facilitate understanding.

El Salvador. (a) Yes, to gather support for social and legal instruments to protect children. (e) Yes, there should be a system of control and prosecution of foreign contractors, especially in export processing. (g) Yes, to ensure non-discriminatory treatment. (i) Coordinate publicity campaigns with the mass media and promote studies of these issues with higher education and research centres.

Eritrea. (b) This would strengthen awareness and implementation because these are the groups that not only have to face but also create problems.

Estonia. CEIE and CEO: (f) Yes.
Association of Estonian Trade Unions: (e) No. (i) Explanation of cultural and religious practices and traditions.

Ethiopia. (a) Without these groups, child labour could not be a priority. (i) Improving the education system to attract children and provide opportunities for them to become self-reliant and have a better future. Providing economic development schemes to alleviate poverty.

Finland. (a) Yes, raising awareness and increasing motivation is essential. National aspects should be taken into account. (b) Yes, tripartite cooperation and other types of cooperation increase efficiency and responsibility and also bring out different points of view, problems and ideas. (c) Yes, training and information on child labour and its extreme forms is needed for labour safety inspectors. (f) Instead of simplication, the provision should focus on efficiency, consistency and transparency. (g) This is necessary in countries where child labour is most common. Consideration should be given to the reliability of sources in different cultures. (h) Yes, with appropriate attention given to the conditions in individual countries.
SAK, STTK, AKAVA: (b), (d)-(f) and (i) Same proposals as made by ACTU under Australia. (c) Replace "extreme forms of" with "in particular those forms referred to in Question 7 (c) above."

France. CNPF: Broad media attention.
CFDT: (b) add "fully" before "involving". (c)-(f) and (i) Same proposals as made by ACTU under Australia.
CFE-CGC: (i) No.

Gabon. (a) There is a need to develop information, education and communication systems. Information should be popularized. (e) Yes, to prevent offenders from finding refuge in any country.
COSYGA. (g) Yes, in developing countries, illiteracy requires the adoption of such measures.

CGSL: (a) Information should be made available not only to these persons, but to the whole population. (b) All those interested in children's issues should be involved.

Germany. (c) The supervisory agencies should prosecute all forms of illegal child labour.
DGB: (c) Setting priorities should not result in Convention No. 138 being overlooked.

Ghana. (a) Yes, they are needed for effective policies and laws. (b) and (d) Yes, because their understanding of the problem and cooperation among them is vital. (e) Yes, the alarming nature and growth of child labour justifies treating it as an international crime and prosecuting offenders. (g) Yes, to ensure greater awareness, understanding and the necessary cooperation to eliminate all extreme forms of child labour. (h) Such bodies would need to have powers to give effect to their rulings. (i) A child labour tribunal, with simpler procedures than traditional courts.
Ghana National Commission on Children: (h) The competent organization appointed could be assisted by NGOs.

Greece. (a) Yes, complete and correct information on the negative impact of extreme forms of child labour could constitute a basis for national policies. (b) Yes, their cooperation and expertise is needed. (c) and (d) Yes, for knowledgable, quick and impartial action. (f) Yes, so that concerned persons, particularly those in poor families, have access to them. (h) Children must have direct access to information.

Guatemala. (a) Yes, to improve legislation to protect the most vulnerable and to avoid possible corruption in enforcement. (c) Yes, to avoid unnecessary bureaucracy and prevent corruption. (e) Yes, to avoid abuse of diplomatic immunity. (f) Yes, to ensure that public confidence in the authorities and administrative processes is maintained. (h) Yes, to make complaints procedures effective and gain the confidence of users.
CACIF: Measures adopted to eliminate extreme forms of child labour should relate to the reality in each country. Special laws should provide for special institutions responsible for designing and implementing policies relevant to specific regions.
FESEBS: (f) Yes, for better administration of justice. (g) This would be an excellent provision.
CUSG: (a) No, this is not necessary. (b) Yes. This could be achieved through the urban and rural development councils. (e) Yes, provided that the persons concerned are Guatemalans.

Guyana. (a) This should be an ongoing programme. (g) Yes and this could be carried out through the media, press, television, books and magazines. (h) Only if these do not already exist.

Honduras. (e) This should be subject to international law. (i) Increase the number of centres for the protection of children's rights.
COHEP: (c) No, these measures should include all forms of child labour. (e) These should be regulated in each country through penal and juvenile laws. (f) Yes, procedures should be easy to understand and accessible to auxiliary bodies without any formalities. (h) Such procedures should be expeditious with logistic support to provide immediate responses. (i) Establish prevention centres to protect children and their families.
CTH and FECESITLIH: (c) Periodic inspections should be carried out in places which encourage extreme forms of child labour. (i) Complaints by anyone at national or international level.

Iraq. GFTU: (e) No. This question is dealt with by national law according to the provisions regulating the regional enforcement of criminal law. (f) No. The text is unclear.

Ireland. ICTU: Same proposal as made by ACTU under Australia.

Italy. (a) Information should be transmitted to local and national authorities, and to school communities. (b) Yes, such organizations are often in the best position to act more effectively. (c) Yes, this would also be a way of determining the effectiveness of the measures. (e) Yes, on the basis of international cooperation. (g) Sensitization campaigns should reach all regions of a country. (h) The possible interlocutors should receive precise instructions.

(i) Rewards for those who provide specific information on the worst abuses. Extending compulsory education and keeping school registers for monitoring attendance.

CGIL, CISL, UIL: (i) Cooperation agreements between employers and workers to eliminate child labour, and promotion of rehabilitation and educational integration of children. Compulsory education up to age 15 and monitoring of school attendance.

Jamaica. JEF: (e) No. This should be a matter for national law.

JCTU: (i)Yes. Add reference to the use of moral persuasion through the profit motive — advertisements, sales promotions and identifiable labels.

Japan. These should be drafted flexibly so Members can take measures in accordance with their national situation. (a) and (d) It is not appropriate to make a uniform recommendation on training the judiciary as national judicial systems differ, particularly in relation to the independence of the judiciary. (d) No objection to training public prosecutors to apply criminal law appropriately. (e) The decision to prosecute persons who commit an offence in a country other than their own should be made by member States depending on the gravity of the offence and the relationship between the legal systems involved. A uniform provision on this requires further discussion. The provision should be made more flexible by inserting a phrase such as "when it is necessary". (f) Revise to read: "realization of the appropriate and prompt legal and administrative procedures", because the core issue is how to achieve appropriate and prompt procedures. The need for simplification would depend on the national situation, and should not be included in the Recommendation.

Jordan. ACI: (a) Yes, provided that the identities of children are not exposed. (b) Yes, the whole community should be made aware of the problem and its support solicited to protect children from all physical, mental and sexual abuse. (e) Yes, but without creating tension among States or violating their sovereignty. (h) An authority or the police should be assigned to receive complaints for investigation.

FJCC: (c) Yes, but without impeding production or having any other negative impact. (e) This is not necessary if the other procedures are taken seriously. (g) No, this is not a priority. (h) No, only if there are available funds. (i) Full coordination among government institutions in dealing with this issue.

GFJTU: (e) Yes.

Kazakhstan. Association of Trade Unions: (i) Yes, seek the participation of religious leaders.

Kenya. COTU: (a)Yes. Public opinion is an effective weapon against intolerable practices. (b) Yes. Workers' organizations have an interest in the protection of the workers of tomorrow. (d) Yes, including training workers' representatives on the shop floor as "troubleshooters". (e) Yes, to give effect to the international dimensions of violations. (g) Yes.

Republic of Korea. FKTU: (f) Replace "simplification" with "improving the effectiveness of".

Kuwait. (i) Providing jurists and lawyers to defend and follow-up the rights of ill-treated children.

Lebanon. (a) The words "and sensitizing" should be omitted. (d) The provision of appropriate training should be limited to persons responsible for the implementation of the Convention, for example labour inspectors. (e) Yes, but in the case of national law and regulations. (h) The term "ombudspersons" should be clarified.

Malaysia. (h) Complaints procedures should be left to the member States.

MTUC: (h) Yes.

Mauritius. CMT: (i) Special court and institutions to enforce the instruments.

FCSU: (a) Yes. Policy-makers are key persons. (f) Yes, to avoid red tape. (g) Yes. This is essential for communicating information. (h) Yes, for urgent, on-the-spot, action.

Mexico. (a) This would be inappropriate inasmuch as national leaders, representatives and judges are already engaged in drafting legislation and combating crime. (b) Any action taken involving various organizations should be accompanied by awareness-raising campaigns. (c) Given that only formal labour activities are concerned, efforts could concentrate on those that might affect the health, safety and morals of minors. Inspection would not be feasible for the most intolerable forms of child labour, only penalization could ensue. (e) No. This would imply disregarding principles recognized in international law, such as the non-applicability of the law beyond national territory. However, the establishment or improvement of extradition treaties could be envisaged. (f) This should be part of an ongoing process aimed at facilitating access. Such measures could only be adopted gradually, according to the situation in each State.

Mongolia. MEA: (f)-(h) Yes.

Morocco. (a) Add "about the danger of child labour:" at the end of the phrase. (b) Add "in information campaigns:" after "organizations".

Namibia. (a) and (b) Yes, including all those concerned with child rights. (e) and (f) Yes, by means of bilateral or multilateral agreements. (h) and (i) Child courts to deal with criminals who abuse children.

Netherlands. FNV: (i) Yes. Obtain and disseminate information on relevant and credible industry codes of conduct and child-labour-free labels.

New Zealand. While these suggestions are useful and worthwhile, their implementation will depend upon the individual circumstances of member States. Given the ILO's mandate, it has an important role in disseminating information on these issues to member States.

Nicaragua. (f) There should be special criminal, civil and labour procedures. (h) Yes, for example, establishing a Child Labour Protection Office. (i) Forensic medical examinations, psychological care and therapy.

Norway. (b) Insert "fully" before "involving" and "involving" before "community". (c) Delete "extreme forms of" and add "in particular those referred to in Question 7 (c)". (f) The Government proposes: "simplification, with the view to improve the effectiveness of legal and administrative procedures".

Oman. Chamber of Commerce and Industry of Oman: (a), (b) and (c)Yes.

Pakistan. (a), (b) and (g) Yes, publicity is necessary so that the general public, particularly the illiterate, are aware of the bad effects of child labour. (c) Yes, this would make it possible to identify cases that should be subject to prosecution. (d) Unfortunately, such training is missing in most developing countries. (e) This provision should be in the other instrument. (f) The laws on administrative procedure should be simplified to avoid ambiguity. (h) Yes, this would enable constant monitoring of child labour.

Panama. (i) To elaborate a guide or a single norm on the topic that would include all its aspects.

Peru. (b) Greater participation of such organizations would provide a better picture of extreme forms of child labour. (c) Yes, to give a clear indication of whether the Convention is being implemented. (e) Yes. Members should establish appropriate criminal, civil and/or administrative sanctions in their domestic legislation. (h) To help provide effective protection.

Philippines. (a) United Nations agencies should pool resources with governments to reinforce existing programmes. (c) The conditions for such activities should be clear and leave no room for personal interpretation. There should be provision for advising and counselling erring establishments. (e) No. Sovereignty should be respected at all times. (f) Yes, and access to procedures should be available to everyone. Public international censure is more effective.

Poland. OPZZ: (f) and (g): Yes.
Solidarnosc: (f) and (g): Yes.

Portugal. (e) For violations of the Convention, it is preferable to resolve cases in accordance with national legislation on extradition. The matter remains open for debate.

CIP: (e) This provision refers to a Convention and is therefore unnecessary.

CGTP-IN: (e) Yes. (i) In particular, programmes specifically targeted at parents and teachers; incorporating information on child labour and its inherent risks in the school curriculum; and international cooperation and assistance.

Russian Federation. (b) The provisions of the instruments should be included in agreements between employers and workers. (f) Yes. In cases when children are entitled to compensation; when they must be transferred quickly to the custody of competent bodies; and when they are given treatment and rehabilitation.

San Marino. (e) Yes, and in the case of natural or legal persons. (f) Yes, if necessary and appropriate, but without undermining the rights of the accused or guilty party. (g) Yes, including through the mass media. (i) Simplified access to international courts, and awareness-raising campaigns at the national and local levels.

Saudi Arabia. (b) Yes, wherever such organizations exist. (e) Yes, according to bilateral agreements between States.

South Africa. (a) The public and the social partners may also need sensitizing. (d) "Concerned" could be replaced by "relevant". (e) If there is proof of such activities, such laws would be justified. (i) Publicizing the names of companies, for example in Parliament, who engage in such activities.

BSA: (a) Yes, this is more important for achieving success than criminal penalties. (b) Yes. Parents should be specifically targeted. (d) Yes. Educators in particular can play an important role. (e) Yes, but this can only work where there is uniformity in the applicable laws. (f) In principle yes, provided the simplified procedures still have content; an accused should not be assumed to be guilty. (h) This will only have value where children are employed against their will.

Spain. (a), (b), (c) and (d) Yes, including social mobilization and training of professionals who work on the issue of child labour.

UGT: (c) No. It is necessary to apply criminal sanctions to all forms of child labour, although penalties and other measures should be very strict to combat extreme forms of child labour.

Sri Lanka. (i) Provision of financial assistance to families of children in domestic service.

Switzerland. This provision should be in the Convention.

UPS: (a)-(c) Yes. (d) Yes, taking into account the limits of available resources. (e) Has the Office analysed its legal applicability? (f) This is not only of concern for child labour. (h) Too detailed.

USS/SGB: (b) Insert "fully" before "involving". (c) Delete "extreme form" and add at the end, "in particular the provision referred to in Question 7 (c)". (d), (f) and (i) Same proposals as made by ACTU under Australia.

Thailand. (f) Time-consuming procedures should be shortened and children protected during legal proceedings and rehabilitated.

Turkey. (g) The phrase should begin with the words "as appropriate".

TÜRK-IS: (b) Yes. As employers' and workers' organizations are social pressure groups, they should be included so that they might present alternative policies to the political party in power, follow-up on implementation and inform their members and the general public. (d) Yes, this complements the other measures and would assist in locating problems and finding solutions. (f)-(h) Yes.

TEKSIF: (b)-(g) and (i) Same proposals as made by ACTU under Australia.

Uganda. (i) Professional assistance for children during investigations and trials. Sensitization programmes should also include children to make them more aware of their rights and the potential dangers of premature employment.

Ukraine. (a) Yes, including human rights champions, idols of youth and religious leaders. (b) Yes, with the participation of the mass media. (c) Priorities in these activities should be established. (d) The cost of training should be included in local budgets. (e) After the ratification of the Convention by parliaments, foreign nationals should be subject to prosecution in accordance with the laws of the country where these offences have been committed or they should be prosecuted in all member States which have ratified the Convention. (f) Clear time limits for the examination of claims should be fixed and regulations on the responsibility of officials for delaying court proceedings should be elaborated. (g) Yes, if there is a problem of multi-linguistic communication in a country. (h) Rehabilitation centres should be established and parents involved in these projects as volunteers. (i) Exchanging and discussing experiences at international scientific conferences and workshops and preparing publications. Measures to combat poverty, unemployment and the degradation of the educational system. CIS countries aim to preserve free education.

United Kingdom. (d) Details of training of relevant officials involved in implementing and enforcing the Convention/Recommendation would be a matter for national governments as the needs of each country will inevitably differ. Assistance should be provided for member States in need. The ILO should provide expertise and support where necessary. (e) No, however, States should be free to adopt laws allowing for the prosecution of their own nationals abroad. Such prosecution should be a matter for decision between the two countries concerned. (g) and (h) Assistance should be provided for these where appropriate.

TUC: (a), (b), (d)-(f) and (i) Same proposals as made by ACTU under Australia. (c) Yes. This should read: "targeting inspection and enforcement measures on child labour, in particular those referred to in Question 7."

United States. (e) Yes. However, further consultations are required before the Government can agree to extradition and prosecution of non-citizens who commit violations in the United States, and of United States citizens who commit violations in another country.

USCIB: (e) No. This is inappropriate because it would provide an extraterritorial reach that would invade the sovereignty of another country. (f) Yes, consistent with due process of law.

AFL-CIO: (b)-(e) Same proposals as made by ACTU under Australia. (f) Yes, without leading to less punishment: replace "simplification" with "improving the effectiveness of". (g) Yes, particularly for children, families, and communities at risk. (h) Yes, including appropriate and specialized training and monitoring of adults fulfilling these tasks. (i) Yes, providing for specially trained field inspectors or other personnel whose primary responsibility is the monitoring and reporting of all violations; obtaining and disseminating information on relevant and credible industry codes of practice and child-labour-free labels.

Uruguay. Workers: (e) This provision could be incompatible with important legal principles.

Venezuela. INAM: (a)-(h) Yes, governmental and nongovernmental organizations should be involved as it will benefit children and adolescents who represent the country's future.

SENIFA: (b) Yes. This should be complemented by the creation of monitoring services with national and international participation.

CTV: (b) Yes. Information should be given continuously to communities, with the example of real case studies so the public does not lose interest.

Yemen. FCCI: (a) Yes. These groups are closely linked to the implementation of the Convention and enactment of national laws. (d) Organizing courses and seminars is important for this purpose. (f) Yes, provided the procedures are not nominal or lacking in content. (g) Yes, in a way that information can be understood easily. (h) Yes, particularly in areas where such bodies already exist and are well known.

Because of the overwhelming support for this provision, *Point 25* has been included in the Proposed Conclusions and, on the basis of the replies, has been drafted less categorically, specifying measures that could be taken, instead of "should include".

Subparagraph (c) has been deleted since it has already been stated that the measures are aimed at extreme forms of child labour. Subparagraph (c) of *Point 25*, ((d) in the questionnaire), has been drafted so the focus is on government officials, especially inspectors and law enforcement officials, to increase government capacity to deal with the various kinds of work and activities subject to the instruments. Other groups would come under subparagraph (b), which now refers to the" training of" in addition to the involvement of employers', workers' and other organizations.

Subparagraph (e) in the questionnaire is subparagraph (d) in the Proposed Conclusions. It has been drafted to make it clear that the provision is aimed at allowing a country to prosecute its citizens for a crime, even when the crime is committed outside the country. There is no requirement that the violation be an offence in the country in which it is committed. Because some countries are finding such legislation helpful, it is listed as a suggested measure, especially in view of the international aspects of extreme forms of child labour, such as child sex tourism. It is not seen as a substitute, however, for strengthening national law enforcement or cooperation among governments concerning specific cases; however, such legislation can be useful to fill a gap where perpetrators escape out of the country in which the crime was committed or the crime is not subject to prosecution where committed.

Subparagraph (e), ((f) in the questionnaire), is aimed at improving access to legal and administrative procedures for children and their families. The registration of child labour complaints and prosecution of violators are sometimes so complicated that they are virtually inaccessible to children and their families, thus limiting opportunities for enforcement. The procedures can be so intimidating that they discourage poor and uneducated victims from filing complaints. Some replies wanted the emphasis on improvement in procedures or were concerned that simplification might undermine legal protection. Others who opposed it felt it was entirely a matter for national determination. However, it has been included for consideration by countries who see the complexity of procedures as a barrier to timely access for the aggrieved.

Other suggestions included references to various educational measures, development schemes, rehabilitation measures, industry codes of practice and child-labour-free labels, specific courts or institutions to deal with child labour, representation and assistance in legal proceedings, and so on. Concerning labelling, it may be recalled that considerable attention was given by the ILO Governing Body and the International Labour Conference in 1996 to the possible role of voluntary labelling programmes in supporting efforts aimed at the elimination of child labour. A study has been published, *Labelling child labour products: A preliminary study* (J. Hilowitz, Geneva, ILO, 1997), and the Office intends carrying out further work, particularly on the impact of such programmes and their role in the struggle against child labour.

INTERNATIONAL COOPERATION AND ASSISTANCE

Should the Recommendation provide that Members should cooperate with and assist each other in eliminating child labour? **Qu. 24**

Total number of replies: 104.

Affirmative: 102. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 0.

Other: 2. India, New Zealand.

Algeria. UNEP: Yes.
CGOEA: Yes.

Australia. Add "extreme or exploitative forms of" before "child labour".

Belgium. (Questions 24 and 25) An international body should be in charge of centralizing information and cooperation for transnational aspects. Give attention to enterprises that subcontract part of their activities to enterprises or intermediaries who employ children.

Canada. Yes, especially sharing information about lessons learned and best practices.

Colombia. ANDI: Yes, child labour is a global problem and requires everyone to work together to attain the proposed objectives. IPEC makes an important contribution in the search for solutions.

Dominican Republic. CONEP: No, only through international organizations.

Egypt. Yes, through technical cooperation and the exchange of information.

El Salvador. Yes, when Members share a similar regional experience and political context.

Finland. Yes, preventing trafficking in child labour between countries requires cooperation and assistance. An exchange of information and experiences between authorities in different countries is necessary, as is technical cooperation.

Gabon. Yes. In particular, through an exchange of information and experts, and subregional seminars.

Guatemala. Yes, the use of resources could be improved by coordinating efforts.
CACIF: (Questions 24 and 25) Yes, but cooperation and assistance should not allow one country to interfere in the law and politics of another country.

Honduras. CCIT: Provided that isolated cases do not result in sanctions against a country.
COHEP: In particular in the area of prostitution.

India. Cooperation should be voluntary and based on the perceived needs of the receiving country.

Ireland. ICTU: Yes.

Italy. Yes, irrespective of ratification of the Convention.

Lebanon. The phrase, "where this is necessary" should be added to the end of the provision.

Mauritius. International cooperation is necessary to combat child trafficking.

Mexico. The sharing of experiences between countries and cooperation would facilitate the development of strategies akin to national legislation and practice, provided that respect for sovereignty is maintained.

Namibia. Yes, through bilateral agreements and regional pacts on the elimination of child labour.

Netherlands. All relevant parties such as government, employers' and workers' organizations, NGOs, and other members of civil society should be involved.

New Zealand. Yes, however, this cooperation can only take place within the constraints of national capabilities, which differ among individual member States.

Pakistan. Sharing information between countries facing the problem of child labour is desirable, particularly between countries that have the same level of economic and social development.

Portugal. CIP: No.

Switzerland. UPS: Yes, in particular Members should cooperate in trying to combat international trafficking networks.

Turkey. TISK: Yes. Cooperation should take place upon request.
TÜRK-IS: Yes. Members could benefit from studies by other countries.

Ukraine. Yes. The conditions specifying the orientation, phases, ranges and final objectives of these activities should be systematized.

United Kingdom. A spirit of cooperation rather than confrontation should be promoted as far as possible by the wording of the instruments.

Venezuela. INAM: Cooperation and assistance should include measures to combat exploitative child labour; the promotion of vocational training and education; the adaptation of education systems to socio-economic and cultural realities and the elimination of work for children below the national minimum age for admission to employment.
SENIFA: The Recommendation should suggest different ways of cooperating and Members should be encouraged to conclude bilateral and multilateral cooperation agreements.

A provision on international cooperation and assistance is included in *Point 26*. Given the number of comments concerned with the lack of resources and institutional capacity in some countries, mobilization of resources for national or international programmes to suppress extreme forms of child labour has been included in this point. The replies also attributed much importance to exchanging information on experiences, research and best practices and the means of exchange, such as international and regional seminars and meetings. The suggestions also often referred to cooperation and assistance on various measures already provided for in the Proposed Conclusions.

Should the Recommendation provide that cooperation and assistance could include: **Qu. 25**

(a) mobilizing resources for national and international programmes for the elimination of child labour?

(b) exchanging information?

(c) other? Please specify.

Subparagraph (a):

Total number of replies: 101.

Affirmative: 98. Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. New Zealand.

Other: 2. Australia, Mexico.

Subparagraph (b):

Total number of replies: 101.

Affirmative: 99. Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, United Republic of Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yemen, Zimbabwe.

Negative: 1. New Zealand

Other: 1. Mexico

Subparagraph (c):

Total number of replies: 63.

Affirmative: 46. Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Chad, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Ethiopia, Gabon, Greece, Haiti, Honduras, Hungary, Italy, Japan, Kuwait, Lebanon, Malta, Mexico, Namibia, Nepal, Netherlands, Nicaragua, Norway, Panama, Peru, Philippines, Portugal, Spain, Sri Lanka, United Republic of Tanzania, Tunisia, Uganda, Ukraine, United States, Uruguay, Venezuela, Zimbabwe.

Negative: 16. Bahrain, Eritrea, Estonia, Finland, India, Iraq, Jamaica, Jordan, Kenya, Republic of Korea, Pakistan, San Marino, Singapore, Slovakia, Suriname, United Kingdom.

Other: 1. Norway

Algeria. UNEP: (a)-(b) Yes.
CGOEA: (a)-(b) Yes.

Australia. (a) The reference should be "extreme or exploitative forms of" child labour. (c) Cooperation in policing, law enforcement and prosecution.
ACTU: (c) Include: "developing and exchanging information on relevant and credible industry codes of practice and child-labour-free labels."

Austria. (c) Yes, international research on the causes of child labour — possibly entrenched in the international economy — and making the experience of individual countries available for international comparisons.

Belarus. BKPP: (a) and (c) No.

Benin. UNSTB: (c) No.

Brazil. (a) Yes, provided resources are channelled from developed to developing countries to enable this. (c) Yes, primarily scientific studies.

Cameroon. (a) The work of IPEC has to be intensified, since developing countries are often willing to take action but lack the necessary resources.

Canada. Yes, as long as it refers to the elimination of the most intolerable forms of child labour. Cooperation should be broad based and multifaceted but mindful of financial constraints. The Recommendation should allow flexibility and should not put limits on the kind of cooperation. (a) Yes, together with institutional strengthening and organizational capacity-building. (b) Yes, particularly on data, lessons learned and successful strategies. (c) Yes, technical assistance in implementing the Convention and Recommendation.
CEC: (a) Only if this provision refers to extreme forms of child labour in Questions 7 (a) and (b).

Chad. (c) Visits to the field to benefit from as much experience as possible in the area of child protection.

Colombia. ANDI: Important areas of collaboration could be the dissemination of information, awareness-raising campaigns and finding ways of tackling the causes of child labour, such as poverty, unemployment, inadequately prepared parents and the absence of recreation and education.

Costa Rica. (c) Technical cooperation. Experts on different aspects of child labour should share their knowledge with those working for IPEC.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: (a) Yes, but only for programmes targeting young persons from age 16 to 18.

Czech Confederation of Employers' Unions: (a) No.
CMK OS: (c) Same proposal as made by ACTU under Australia.

Denmark. LO/FTF: (c) Same proposal as made by ACTU under Australia.

Dominican Republic. CONEP: (a) and (b) Yes, through international organizations.

El Salvador. (a) Yes, this would enable international cooperation to be effectively operational. (b) Yes, this is indispensable for determining the impact of measures and exchanging effective means of action. (c) Yes, joint investigations and cross-border programmes.

Eritrea. (a) Yes, because the least developed countries have scarce resources.

Ethiopia. (c) Cooperation in prohibiting migration of children for purposes of prostitution, pornography, and the like.

Finland. SAK, STTK, and AKAVA: (c) Same proposal as made by ACTU under Australia.

France. CFDT: (c) Yes. Same proposal as made by ACTU under Australia.

Gabon. (a) The financing could come from the State or from third parties through gifts. (c) States sufficiently advanced should help others draft texts and in seminars.

COSYGA and CGSL: (c) Technical and material cooperation.

Germany. (a) Yes, but the Recommendation should provide that national and international programmes for the elimination of child labour should also pursue developmental objectives.

BDA: (a) It would seem more important to carry out joint programmes for the elimination of child labour, in particular the most extreme forms of child labour.

Ghana. (a) Yes, to ensure that programmes for the elimination of child labour are sustained.

Greece. (c) Education programmes to prepare staff who will deal with extreme forms of child labour.

Guatemala. (a) Yes, in the way IPEC currently functions. (b) Yes, to avoid repeating mistakes.

Haiti. (c) Training executives, institution building and assistance with statistics.

Honduras. (c) Technical and financial assistance, and horizontal cooperation.

COHEP: (a) Yes, provided that each country adopts realistic programmes that can be achieved in the short term. (b) Yes, information should be up-to-date and provided through informal administrative or judicial channels. (c) Technical, pedagogical, economic and legislative assistance.

CTH and FECESITLIH: (c) Economic resources for cooperation should be available to Members with less capacity to develop these kinds of programmes.

India. (a) The resources should be mobilized preferably through multilateral agencies.

Iraq. GFTU: (c) Effective cooperation in the prevention of international child labour trafficking networks.

Ireland. ICTU: (a) Yes. Donor countries should ensure that locally-appropriate and not just donor-appropriate responses ensue. (b) Yes. (c) Same as ACTU under Australia.

Italy. (a) IPEC should be reinforced by other programmes. (b) The purpose of information exchange should be prevention and evaluation. (c) Cooperation between governments and organizations.

Jamaica. JEF: (c) Yes, technical assistance, as appropriate.

Jordan. ACI: (b) This is useful but any such information should be kept confidential to avoid it being exploited to smear the reputation of the State concerned. (c) Information obtained should be collated for social studies by experts and others.

FJCC: (c) Exchange of short and long term missions relating to this issue.

Kazakhstan. Association of Trade Unions: (c) Yes. Cooperation for the purpose of realizing the goals listed under Questions 21 and 22.

Kuwait. (b) and (c) An exchange of experiences and statistics, as well as consultations among States.

Lebanon. (c) Appropriate training materials and information to implement child labour laws.

Mauritius. FCSU: (a) Yes. Nations rich in resources should help those that lack resources.

Mexico. (a) and (b) There should be an indication of the way in which the resources referred to should be mobilized and then spent. Where appropriate, there should also be provision for coordination between member States. Indeed, subject to the sovereign decisions of States, this measure could prove beneficial to countries whose economic situation does not enable them to carry out major programmes to protect minors as it would enable optimal use of available resources. (c) The Recommendation could also provide for the coordination and participation of international organizations, notwithstanding the fact that funds may be provided by one or more organizations. These resources and forms of international cooperation should be accepted by the recipient country and not forced upon it. In addition, the greater part of the resources should be earmarked for practical activities rather than used for administrative purposes.

Morocco. (a) After "mobilizing resources for" add "the design and implementation of national and international programmes . . .". (b) Add "and experiences".

Namibia. (b) Yes, including through exchange visit programmes.

Nepal. (c) Information networks should be established.

Netherlands. (c) The Recommendation should include assistance to child workers' organizations; awareness raising; universal access to quality education; and access to an adequate social infrastructure including health care, social protection for families and enhanced opportunities for adult employment.

CNV: Include awareness raising, trade information, training, social and economic development.

FNV: (c) Same proposal as made by ACTU under Australia.

New Zealand. These provisions are too prescriptive and represent only two examples of measures to achieve the principles of the Convention.

Nicaragua. (c) National seminars run by the Government, trade union trainers and NGOs.

Norway. (c) Same proposal as made by ACTU under Australia.

Panama. (c) Promotion at the community level.

Peru. (c) Technical assistance to the governmental agencies responsible for implementation, supervision and monitoring.

Poland. OPZZ: (c) Yes. Promotion of NGO activities in countries where provisions of the Convention would not be followed.

Portugal. (c) An international cooperation programme in the socioeconomic field.

CPI: (a)-(c) No need for an express reference to cooperation and mutual assistance.

CGTP-IN: (c) All forms of cooperation and assistance deemed necessary or appropriate.

San Marino. (c) Targeted bilateral cooperation.

South Africa. BSA: (a)Yes, and IPEC should play a dominant role in this respect.

Spain. (c) Judicial and administrative cooperation to impose criminal and administrative sanctions.

Sri Lanka. (c) Training of officers entrusted with enforcing relevant laws and regulations.

Switzerland. UPS: (a) and (b) This is within the competence of the State.

USS/SGB: (c) Same proposal as made by ACTU under Australia.

United Republic of Tanzania. (c) Exchange visits.

Thailand. (b) Information should be focused on occupational health and safety.

Tunisia. (c) Judicial assistance.

Turkey. TÜRK-IS: (a) and (b) Yes, successful studies and projects are carried out within the framework of IPEC and other international programmes.

TEKSIF: (c) Same proposal as made by ACTU under Australia.

Uganda. (c) A regular forum to assess and evaluate the worldwide situation could also be useful.

Ukraine. (a) All material costs and donations should be voluntary. (b) Exchange of information and printed materials. This information should be provided to the mass media. (c) A study on the experience of foreign countries should be carried out for those who are responsible for practical implementation of the provisions of the Convention.

United Kingdom. TUC: (a) and (b) Yes. (c) Same proposal as made by ACTU under Australia.

United States. AFL-CIO: (c) Same proposal as made by ACTU under Australia.

Uruguay. Harmonization of legislation between countries belonging to trading blocs.

Venezuela. INAM: Cooperation and assistance could include: (i) mobilizing resources for national and international programmes to quantify, classify, and eliminate employment of children under 12 and to prevent exploitation at work; (ii) exchanging information and research or comparative studies; (iii) developing programmes to prevent excluding children from school; (iv) social and economic programmes on employment and social guidance for poor families; (v) vocational training programmes at work and reintegrating working adolescents in education.

SENIFA: (a)-(c) It might be useful to give examples for each of the points.

CTV: (c) Cooperation on cases or suspected cases of child labour or exploitation.

Zimbabwe. (c) Films on child labour from other countries.

See comments to Question 24.

V. Special problems

(1) Are there any particularities of national law and practice, which, in your view, are liable to create difficulties in the practical application of an international instrument or instruments as conceived in this report? **Qu. 26**

(2) If so, how would you suggest that those difficulties be met?

Paragraph (1):

Total number of replies: 90.

Affirmative: 28. Benin, Cameroon, Canada, Cape Verde, Colombia, Costa Rica, Czech Republic, Egypt, El Salvador, Eritrea, Finland, Haiti, Kenya, Lebanon, Myanmar, Namibia, New Zealand, Nicaragua, Pakistan, Panama, Peru, Philippines, United Republic of Tanzania, Ukraine, United States, Venezuela, Yemen, Zimbabwe.

Negative: 56. Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cambodia, Chad, China, Croatia, Cuba, Cyprus,

Denmark, Dominican Republic, Estonia, Ethiopia, France, Germany, Guatemala, Honduras, Hungary, Italy, Jamaica, Jordan, Republic of Korea, Kuwait, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Netherlands, Poland, Portugal, Qatar, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Thailand, Tunisia, Turkey, United Kingdom.

Other: 6. Chile, India, Japan, Malaysia, Mexico, Uganda.

Algeria. UNEP: No.
CGOEA: No.

Australia. (1) and (2) It would be difficult to justify legislating against practices that do not exist in a country. Therefore, the provisions should be flexible. Ensure that the focus of the instruments remains firmly on the most intolerable forms of child labour. A minimum age of employment would create difficulties in practical application — thus a minimum age should not be suggested.

Benin. (1) Children are used mostly in the informal sector. (2) Intense collaboration between parents, the State, and other organizations could lead to progressive elimination of child labour.
UNSTB: No.

Cameroon. (1) Yes. The extension of labour inspection to the "invisible" informal sector. (2) Finding the means to conduct surveys which are required to gain an understanding of the problem.

Canada. (1) Most jurisdictions in Canada allow children under 18 to work in types of work that could be interpreted as dangerous. The proposal to register perpetrators of offences may not pass the test of domestic human rights legislation. (2) Flexibility is needed in determining the forms of child labour referred to in Questions 7 (c) and 14.
CEC: Yes. The challenge is the same one faced whenever trying to create international standards: cultural and economic diversity. The instruments should be widely applicable, capable of being implemented by all Members, and focused on extreme forms of child labour. As many children and their families rely on the income received from this work, total elimination of child labour would be counter-productive.
CNTU: (1) There might be difficulties because Quebec legislation only imposes a minimum age for certain dangerous types of work. Changes in the law require discussion among the different provinces. (2) Create support for change.

Cape Verde. The level of traditional education is a problem.

China. ACFTU: (1)Yes. (2) The participation in work by rural children should be controlled.

Colombia. DTT: See under Questions 3 and 7, concerning the distinction to be made between age groups. Activities carried out by children under age 12, or their exploitation, abuse or mistreatment should never qualify as work, but as a violation of human rights and the rights of the child.

Costa Rica. Yes. There are current problems in complying with Convention No. 138, though the Legislative Assembly is debating a bill to raise the minimum age for employment to 15 years.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: There might be problems in the construction industry in the Czech Republic.
Confederation of Culture and Arts and CMK OS: No.

Egypt. Yes. National legislation fixes the minimum age for admission to employment at the age of completion of basic education, which may be raised gradually.

Federation of Egyptian Industries: No.

Eritrea. Implementation would be difficult, particularly in the agrarian sector where children work with their parents for long hours.

Fiji. FEF: Poverty and poor economic conditions cause these situations, thus living standards and economic positions should be raised.

Finland. The instruments deal with extreme forms of child labour that do not exist in Finland and therefore, no justification exists for including prohibitions or other regulations in national legislation concerning this phenomenen. On the other hand, practical application of the Convention would not be hampered because legislation does not contain provisions on all the issues. (2) Provisions should be adapted to the country in question.

Germany. BDA: Yes. See reply to Question 7 (c).

Ghana. GNCC: The lack of a social welfare system to provide alternative means of survival for children removed from child labour and cultural practices pose difficulties.

Guatemala. FESEBS and CUSG: (1) Yes. (2) By extending ratification to the social sphere.

Honduras. CCIT: Yes, official authorization of work by children under 16 years of age.

India. The difficulties have been explained in the answers above.

Iraq. GFTU: No.

Ireland. ICTU: (1) No.

Jamaica. JEF: Same as reply to Question 6.

Japan. No difficulties, subject to comments made throughout the questionnaire.

Jordan. ACI: Yes. If problems exist they should be discussed as the case arises on an individual basis, or if they are widespread or exceptional, they should be dealt with in multilateral seminars.

Kenya. No. However, national laws will need to be brought into conformity with the new Convention because the Kenyan Employment Act defines a child as under 16 years of age, while under the Registration of Persons Act, a child is defined as under 18 years of age.

Republic of Korea. A gradual approach should be adopted because of the difficulties that might arise in securing resources necessary to ensure observation of the instruments.

Lebanon. In practice, lack of information on work likely to jeopardize health and safety of children could impede proper application of the Convention. Other difficulties include the invisible nature of child labour and the lack of necessary data to design programmes to eliminate dangerous child labour.

Lithuania. Lithuanian Workers' Union: (1) Yes. (2) After ratification, submission of appropriate laws and regulations to Parliament to give force to the Convention's provisions.

Malaysia. MEF: (1) No.

Mauritius. FCSU: (1)Yes. Some nations lack manpower resources and therefore use child labour.

Mexico. (1) This will depend on the final content of the instrument and economic development. There must be a precise definition of the activities covered to avoid wrong legal assumptions. The clandestine nature of the most intolerable forms of child labour makes it difficult to locate children carrying them out. (2) Short-, medium- and long-term actions, which involve local, State and federal authorities.

Myanmar. (1) Yes. National law (Factories and Shops and Establishment Acts) defines a child as a person who has not completed 15 years of age, and an adolescent as a person who

has completed 15 years of age, but not 18, and prohibits employment of a person who has not completed 13 years of age. (2) Existing labour laws need to be modified.

Namibia. Yes. Child labour must be defined clearly and distinguished from child work which is aimed at the proper upbringing of a child.

NUNW: No.

New Zealand. Yes. There must be flexibility in the methods for meeting the underlying principles.

NZEF: Neither instrument is appropriate. If an instrument is adopted, it should be as flexible as possible to achieve widespread ratification.

Nicaragua. Yes. New procedures for criminal sanctions must be submitted to the National Assembly, and the Executive must issue administrative procedures.

Pakistan. Yes. Poverty, population increase and illiteracy are the main factors inhibiting the application of existing instruments.

Peru. Yes. However, human and economic resource problems could be overcome through technical cooperation.

Philippines. (1) Yes. There are specific problems due to cultural practices. (2) A massive information campaign, as well as other practical arrangements to augment family income.

Portugal. CGTP-IN: (1) No. Generally speaking, national legislation on child labour accords with international standards. (2) In any event, it is suggested to: incorporate all child labour legislation into a single text; extend regulations to areas not covered by present legislation, in particular child labour at home and in small family concerns, including those not legally incorporated; adopt a new broader and unequivocal definition of the forms of work prohibited to minors, or subject to regulation, taking account of age; include in criminal codes new criminal offences to prevent and penalize abusive forms of child labour; and strengthen entities in charge of child labour, ensuring adequate resources.

South Africa. No. A possible difficulty would be to prevent children from returning to work unless emphasis was placed on the proposal in Question 22 (a) — i.e. to ensure that compensation was paid to the children by the guilty party.

BSA: (1) Yes. (2) A particular difficulty in many countries could be family tradition, particularly concerning household chores which could be more dangerous than formal employment.

Spain. UGT: (1) Yes. (2) The eradication of the socio-economic root causes of child labour, support to vulnerable families and communities, and the development and implementation of mechanisms for social protection and sustained development.

Sri Lanka. CWC: See reply to Question 6.

Switzerland. CSC/CNG: (1) No.

United Republic of Tanzania. Existing national labour laws should be reviewed.

Turkey. TURK-IS: (1) Yes, notably due to exemptions in labour law; the discrepancy concerning the minimum age for admission to employment between the General Health Protection Law and the Apprenticeship and Vocational Education Law; and the fact that compulsory education comprises only 5 years. (2) The following changes could be made: amending the labour law and bringing agricultural workers within its scope; bringing the national minimum age standard in line with Convention No. 138; and providing 8 years of compulsory education.

Uganda. (1) The greatest difficulties relate to the weakness of enforcement measures, particularly due to lack of resources and insufficient staffing; the clandestine nature of child labour; the lack of reliable and systematic information; and the lack of public understanding of child labour. (2) To address these problems, greater assistance, both financial and technical, will be needed to enhance the capacity of the supervisory mechanisms, and to build databases and provide information materials on child labour. Intense collaboration between the key play-

ers, and greater public awareness and sensitization are also necessary as the problem of child labour requires a multi-pronged approach.

Ukraine: (2) A national programme should be drafted and approved at a session of Parliament. Appropriate changes should be made to civil, administrative, criminal and labour codes.

United States: (1) Yes, because of the problem of the instruments' conformity with United States law, as well as federalism and First Amendment concerns. (2) Most concerns relating to conformity with United States law and practice might be met through appropriately flexible language.

USCIB: (1) There are considerable federal-state jurisdictional issues in the United States relating particularly to pornography and prostitution and the applicable penalties. (2) The instruments should recognize that because of the limits on federal power and the complexities of a federal system there might not be uniformity of application.

AFL-CIO: (1) Variations between federal and state law and law enforcement, including the collection and exchange of data, will limit the effectiveness of the proposed Convention. (2) State law should be no less strict than federal law; standards for the collection and exchange of data should be specified in federal law.

Venezuela. INAM: Yes. Venezuela's longstanding legislation has never managed to curb child labour in the informal sector or in rural or indigenous communities, where work is an instrument of social integration. The Recommendation should provide that Members adjust their education systems to cultural realities; implement regulations to identify, monitor and progressively eliminate child and adolescent labour in the informal sector; promote poverty alleviation; and promote policies to strengthen the family unit.

SENIFA: A number of activities are not perceived as labour and some believe it is better for children to work than beg or commit crimes. Work which does not interfere with school is seen as justified because of the contribution it makes to family income. Providing information on children's rights and documenting conditions in which children work may assist people to understand that child labour hinders children's development and thus change attitudes.

Department of Education and CTV: No.

Yemen. (2) The instruments need to be in accord with national realities and conditions.

FCCI: (1) Social traditions, religious beliefs, extent of the problem and economic capabilities.

FWU: (1) No.

Zimbabwe: (1) Yes. (2) Education and exposure.

A number of governments, employers' organizations and workers' organizations identified the following as possible obstacles in the way of implementation: lack of financial resources to ensure implementation and enforcement and to provide families and working children with an alternative means of support; the need to eradicate the root causes of child labour such as poverty and illiteracy; the need for greater public awareness of the problem; the need for education; cultural and traditional practices; the invisible nature of many forms of child labour and problems posed by the agrarian sector.

Several governments reported particularities of national law which could create difficulties in the application of the proposed instruments, such as those related to minimum age, definitions and human rights. Suggested ways of avoiding the problems included amendments to national law, international assistance and flexible drafting of the Proposed Conclusions.

An attempt has been made to ensure a sufficiently flexible drafting of the corresponding points in the Proposed Conclusions to take account of the difficulties.

Qu. 27 *(Federal States only.) Do you consider that, in the event of a Convention being adopted, the subject-matter would be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?*

Total number of replies: 16.

Five countries stated that the subject would be appropriate for federal action (Australia, Brazil, Pakistan, Philippines, Sudan), while 11 countries said it would be in part for action by the constituent units of the federation (Australia, Austria, Belgium, Canada, Germany, India, Mexico, Russian Federation, South Africa, Switzerland, United States).

Mauritius. FCSU: Wholly for action by the constituent units of the Federation.

South Africa. Primary responsibility of central government, provinces for education issues.

Switzerland. The federal authorities are in charge of the coordination and supervision of specific implementation measures taken by the cantonal authorities.

United States. For most proposed provisions, shared Federal and State action.

Most of the replies from federal States indicated that the subject-matter would be appropriate for action in part by the constituent units of the federation, although a few stated that it would only be appropriate for the federal authorities. In view of the flexibility available in implementing the Convention in the Proposed Conclusions, there should be no special difficulties for member States to apply the Convention in accordance with their constitutional system. Members are also reminded of Article 19, paragraph 7, of the Constitution of the International Labour Organization concerning the obligation of federal States in respect of Conventions and Recommendations.

Qu. 28 *Are there, in your view, any other pertinent problems not covered by the present questionnaire which ought to be taken into consideration when the instrument or instruments are being drafted? If so, please specify.*

Total number of replies: 77.

Affirmative: 34. Austria, Belgium, Benin, Cambodia, Cameroon, Canada, Croatia, Egypt, El Salvador, Eritrea, Finland, Guyana, Haiti, Hungary, Italy, Luxembourg, Mexico, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Philippines, San Marino, South Africa, Sri Lanka, Sudan, Tunisia, Ukraine, United Kingdom, Venezuela, Zimbabwe.

Negative: 41. Armenia, Bahamas, Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Cape Verde, Chad, Cyprus, Denmark, Dominican Republic, Estonia, Ethiopia,

Fiji, France, Germany, Guatemala, Honduras, India, Jamaica, Jordan, Kenya, Kuwait, Latvia, Lithuania, Mauritius, Mongolia, Peru, Portugal, Romania, Russian Federation, Singapore, Slovakia, Spain, Suriname, Tajikistan, United Republic of Tanzania, Thailand, Turkey, United States.

Other: 2. Australia, Japan.

Australia. The instruments do not deal with the ongoing problems raised by cross-border employment leading to serious exploitation of children.

Austria. Use "social labelling" to exclude products which depend on extreme forms of child labour from the market.
WKO: No.

Belgium. Since it is likely that a link with existing Conventions will be made, there should be a flexible approach to minimum age. The ratifying States could indicate the age limit that they undertake to abide by and then progressively raise it. This provision could be linked to those providing for cooperation and international assistance.

Benin. The issue of apprenticeship that can disguise child labour.
UNSTB: No.

Cameroon. The Preamble should explicitly stipulate that the struggle against the most extreme forms of child labour must not compromise the quest for general well-being embodied in economic and social development programmes or the resources earmarked for this purpose.

Canada. Children removed from extreme forms of child labour and their families must have access to adequate and appropriate forms of assistance.
CEC: The instruments should focus on extreme forms of child labour. The temptation to include noble wide-ranging requirements which are incapable of being implemented, should be resisted.
CNTU: Those removed from work and their families must be given adequate assistance immediately.

China. ACFTU: No.

Croatia. The Convention should specify compulsory education, at least until the child reaches the age of 15, because it is the most important measure to eliminate child labour.

Czech Republic. Association of Building Entrepreneurs of the Czech Republic: Views will still differ about the age at which work constitutes child labour.

Czech Confederation of Employers' Unions: The role of schooling has not been highlighted sufficiently.
Confederation of Culture and Arts and CMK OS: No.

Egypt. There should be no link between international labour standards, and the World Trade Organization and technical cooperation provided by international organizations.
Federation of Egyptian Industries: No.

El Salvador. Yes. Permanent, institutionalized investigation machinery should be established.

Eritrea. Consider a child's lost livelihood when removed from hazardous work.

Finland. The questionnaire focuses largely on prohibitions and penalties. Support measures, prevention and effective monitoring should be emphasized.

Guyana. The definition and perception of child labour varies based on cultural differences.

Haiti. Self-employed children in the informal sector.

Honduras. COHEP: Yes, strengthening labour inspection.

Hungary. The Convention should prohibit rude behaviour toward children at the workplace and anything that jeopardizes school attendance; call for education on children's rights in the school curriculum; and provide for regulations to protect disturbed or physically disabled children.

Iraq. GFTU: No.

Italy. A time period should be given for assessing the effectiveness of and need to update the instruments.

Jordan. ACI: The issue of poverty and protection of the right to education should be addressed. School systems should provide assistance for poor children to attend school and, with the help of parents, reintegrate dropouts into school.

Republic of Korea. KEF: The instrument should include duties of parents and guardians.

Luxembourg. Member States should take measures to create a social infrastructure, particularly concerning public health, the social protection of workers and employment possibilities for adults.

Malaysia. MEF: No.
MTUC: Yes.

Mauritius. FCSU: The collaboration of parents in policy and programme formulation.

Mexico. The instrument should mention that intolerable forms of child labour result from many prevailing factors which are an obstacle to their immediate elimination. Terminology referring to intolerable forms of child labour should be consistent throughout and adequately defined.

Namibia. The problem of children who are not under anybody's care, such as street children.

Office of the Labour Commissioner: The definition of child labour.
NUNW: No.

Netherlands. Cooperation and concerted action between ILO and all other relevant United Nations Agencies.VNO-NCW: A special supervisory system should be adopted for this particular instrument.
FNV: No.

New Zealand. See reply to Question 1.

Nicaragua. The economic situation of the country.

Pakistan. Member States may need to receive assistance to take preventive measures, such as the alleviation of poverty.

Panama. To internationally regulate the migration of minors.

Philippines. The problem is related to poverty. Developed countries should assist in the worldwide effort to enhance the economic conditions of developing countries through practical and more effective programmes.

Portugal. CGTP-IN: The Convention, and particularly the non-binding Recommendation, should state as their ultimate objective the progressive elimination of all forms of child labour.

San Marino. The instruments do not include standards on compulsory schooling, despite its importance. An international inspectorate to curb violations of the Convention should be established.

South Africa. The strong opposition to strengthening ILO monitoring mechanisms and the decline in the number of ratifications of ILO Conventions should be taken into account.

BSA: The basic reasons for child labour are poverty, family tradition and lack of school facilities.

Sri Lanka. Children work as domestics mainly due to poverty. Thus financial assistance to families is necessary as a preventive measure.

Sudan. The Convention should include exemptions for home work and work in establishments owned by the child's family as well as work on family farms.

Tunisia. Apprenticeship can disguise child labour, thus apprentices should clearly be covered by the instruments.

Turkey. **TISK**: Attempts to take compulsory trade-related measures against countries where child labour prevails would endanger child welfare and ignore socio-economic conditions and cultural practices. It is meaningless to sanction industries because of child labour in the informal sector. The necessary international arrangements on child labour have been established.

Ukraine. Criminal responsibility of employers for the use of illegal child labour in its extreme forms. Review and liberalization of standards on compulsory labour in penitentiaries for juvenile criminals. Benefits and privileges in education, occupational training and military service for children who have been employed for more than two years.

United Kingdom. Yes, stress active participation of children and their advocates to tackle the most intolerable forms of child labour.

Venezuela. **INAM**: Commercial sexual exploitation, trafficking of children, use of children in illegal activities, sale and trafficking of drugs, and begging should be treated as crimes and not child labour.

SENIFA: More emphasis should be placed on changing the set-up of legal and administrative bodies enforcing instruments. More attention should also be given to gender issues.

Zimbabwe. Cultural practices need to be addressed, for example, the practice of using girls for household chores such as carrying buckets of water or firewood and child minding.

Most issues raised in the replies to this question have been covered under previous questions.

One government suggested that a flexible provision be adopted on minimum age: upon ratification of the Convention, a member State would determine a minimum age and commit itself to increase it in a given period of time. A number of replies referred to the scope of the Convention and felt that the instruments should apply to (or in some cases exempt) home work by children, work in family enterprises or farms, street children, self-employed children in the informal sector, cross-border employment of children, minors who migrate to work, and compulsory labour of children in penitentiary institutions. Because the instruments have a broad application to all persons under age 18 *(Point 7)* none of these are excluded. The issue of apprenticeship was also raised to ensure that the problem of apprenticeships disguising child labour would be dealt with explicitly by the Convention. Again there is no exception for apprentices since the proposed instruments apply to extreme forms of child labour regardless of the employment status of the child.

There were differing views concerning the linking of compliance with trade advantages. One reply opposed any link, while another suggested a "social labelling" of countries, with the possibility of closing markets to products made by resorting to extreme forms of child labour. Another was concerned that technical cooperation should not be dependent upon a country's compliance with international labour stan-

dards. This issue is discussed in the Governing Body's Working Party on the Social Dimensions of the Liberalization of International Trade.

A number of respondents suggested that a special international inspectorate or ILO mechanism be set up to monitor compliance with the proposed new instruments. One government suggested that the Convention should include a reference to a specific point in time when progress on the elimination of child labour could be monitored and the Convention updated.

PROPOSED CONCLUSIONS

The following Proposed Conclusions have been prepared on the basis of the replies summarized and commented upon in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the sixth item on the agenda of its 86th Session (1998).

A. Form of the instruments

1. The International Labour Conference should adopt new standards on extreme forms of child labour.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention and a Recommendation

PREAMBLE

3. The Preamble should note that the Minimum Age Convention and Recommendation, 1973, are the fundamental ILO instruments for the abolition of child labour.

4. The Preamble should state that new instruments should be adopted for the immediate suppression of extreme forms of child labour as the priority of national and international action for the abolition of child labour.

5. The Preamble should recall the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989.

6. The Preamble should recall that certain extreme forms of child labour are covered by other international instruments, in particular the ILO Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

C. Proposed Conclusions with a view to a Convention

CONTENT OF THE PROPOSED CONVENTION

7. For the purposes of the Convention, the term "child" should apply to all persons under the age of 18.

8. A Member which ratifies the Convention should take measures to secure the immediate suppression of all extreme forms of child labour.

9. For the purposes of the Convention, the expression "extreme forms of child labour" should comprise:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;

(b) the use, engagement or offering of a child in illegal activities, for prostitution, production of pornography or pornographic performances;

(c) any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children, so that they should not be used or engaged in such work or activity under any circumstances.

10. National laws or regulations or the competent authority should determine, after consultation with the organizations of employers and workers concerned, where such exist, the types of work or activity referred to under Point 9 (c), taking into account relevant international standards. The types of work or activity so determined should be periodically examined and revised as necessary.

11. (1) Each Member which ratifies the Convention should take all necessary measures to ensure its effective enforcement including the provision and application of criminal penalties.

(2) Each Member which ratifies the Convention should take effective measures to prevent children from engaging in extreme forms of child labour and to provide necessary and appropriate direct assistance for their removal from such labour and their rehabilitation.

(3) Each Member which ratifies the Convention should designate the competent authority responsible for the implementation of the provisions giving effect to the Convention.

(4) Each Member which ratifies the Convention should determine the persons who should comply with the provisions of national laws or regulations giving effect to the Convention.

12. Members which ratify the Convention should take steps to assist each other in giving effect to the provisions of the Convention through international cooperation or assistance such as judicial and technical assistance.

D. Proposed Conclusions with a view to a Recommendation

General provisions

13. The provisions of the Recommendation should supplement and be applied in conjunction with those of the Convention.

National programmes of action

14. (1) Members should design and implement national programmes of action to eliminate as a priority all extreme forms of child labour.

(2) Such national programmes of action should be designed and implemented in consultation with relevant government institutions, employers' and workers' organizations, and other concerned groups.

(3) They should aim at:

(a) identifying and denouncing all extreme forms of child labour;

(b) giving special attention to children under age 12;

(c) taking account of the special situation of girls;

(d) preventing children from engaging in or removing them from extreme forms of child labour; protecting them from reprisals; providing for their rehabilitation and social integration through measures which address their educational, physical, emotional and psychological needs;

(e) informing, sensitizing and mobilizing public opinion and interested groups, including children and their parents;

(f) identifying and reaching out to communities where children are at special risk;

(g) giving attention to other groups of children with special vulnerabilities or needs.

Hazardous work

15. In determining the types of work or activity referred to in Point 9 (c) above, consideration should, in particular, be given to:

(a) work which exposes children to physical, emotional or sexual abuse;

(b) work underground, underwater, or at dangerous heights;

(c) work with dangerous machinery, equipment and tools, or which involves the manual transport of heavy loads;

(d) work in an unhealthy environment which may, for example, involve exposure to hazardous substances, agents or processes, or to extreme temperatures, noise levels, or vibrations;

(e) work under particularly difficult conditions such as for long hours, during the night, or without the possibility of returning home each day.

Application

16. Detailed information and statistical data on the nature and extent of child labour, including data classified according to sex, age group, occupation, branch of economic activity and status in employment, should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the immediate suppression of extreme forms.

17. Members should compile and update relevant data concerning violations of national provisions aimed at the immediate suppression of extreme forms of child labour.

18. The information compiled under Points 16 and 17 should be communicated to the International Labour Office.

19. Members should establish appropriate national mechanisms to monitor the application of national provisions aimed at the immediate suppression of extreme forms of child labour.

20. Members should ensure that the competent authorities which have responsibilities for implementing provisions aimed at the immediate suppression of extreme forms of child labour cooperate and coordinate their activities.

21. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the immediate suppression of extreme forms of child labour by:

(a) gathering and exchanging information concerning criminal offences, including those involving international networks;

(b) detecting and prosecuting those involved in the sale and trafficking of children, the use, engagement or offering of children in illegal activities, for prostitution, production of pornography or pornographic performances;

(c) registering perpetrators of such offences.

22. Members should provide that the following are criminal offences:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom; and

(b) the use, engagement or offering of a child in illegal activities, for prostitution, production of pornography or pornographic performances.

23. Members should ensure that criminal penalties are applied at least for repeated violations of the national provisions aimed at the immediate suppression of any type of work or activity referred to in Point 9 (c) above.

24. Members should also provide for other remedies, where appropriate, to ensure the effective enforcement of national provisions aimed at the immediate suppression of extreme forms of child labour, such as:

(a) compensation to the children affected;

(b) closing down establishments or suspending or revoking authorizations to operate.

25. Other measures aimed at the immediate suppression of extreme forms of child labour could include the following:

(a) informing and sensitizing national and local political leaders, parliamentarians and the judiciary;

(b) involving and training employers' and workers' organizations and civic organizations;

(c) providing appropriate training for concerned government officials, especially inspectors and law enforcement officials;

(d) providing for the prosecution in their own country of those who commit offences under national provisions aimed at the suppression of extreme forms of child labour even when these offences are committed in a country other than their own;

(e) simplifying legal and administrative procedures;

(f) giving publicity to legal or other provisions on child labour in the different languages or dialects;

(g) establishing special complaints procedures, help lines and ombudspersons.

26. International cooperation or assistance among Members for the immediate suppression of extreme forms of child labour could include:

(a) mobilizing resources for national or international programmes;

(b) judicial assistance;

(c) technical assistance including the exchange of information.

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